

# OFFICIAL RECORD OF PROCEEDINGS

**Friday, 4 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

THE HONOURABLE EDWARD YAU TANG-WAH, J.P.  
SECRETARY FOR THE ENVIRONMENT

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, everyone. Committee now resumes. We are now at page six of the script. Does any Member wish to speak?

**LEGISLATIVE COUNCIL (AMENDMENT) BILL 2010**

**MS MIRIAM LAU** (in Cantonese): Chairman, we are now debating the amendments proposed by Dr Margaret NG, which seek to introduce changes to the electorates of certain functional constituencies (FCs) by substituting the existing eligible electors with practitioners of these industries. More than 10 FCs, including the Transport FC, are involved. Before I talk about the FC to which I belong, let me explain the reasons for setting up FCs. The primary reason for setting up FCs is to allow people with the relevant expertise in the FCs or those who know the FCs very well to assist members of the FCs and speak on their behalf to reflect their views on the government policies for the relevant industries, thereby helping the industries resolve their problems as a whole and enabling these industries to develop continuously in the economy of Hong Kong.

The concept of the proposal put forth by Dr Margaret NG today actually came from the "nine new FCs" package proposed by Mr Chris PATTEN, the former Governor of Hong Kong, in relation to the 1995 Legislative Council election. First of all, I declare that I ran for and won the election of the Transport and Communication FC under this "PATTEN reform package" in 1995. Before I talk about the FC to which I belonged, I would like to tell Members that in running for the election of this FC back then, I just wanted to give it a try and I did not expect to win the election at all. Actually, there were some reasons why I won the election, and I will explain them later.

Adopting the "nine new FCs" mode of FC elections suggested that all practitioners of the FCs, from the top to the bottom level, might apply to run for the elections and also become electors of the relevant FCs as long as they were members of the relevant FCs at that very moment, disregarding whether or not they would stay in the relevant FCs in the long run and whether they would

belong to one FC on a particular day and switch to another FC the following day. What was the outcome? Generally speaking, people who were elected back then were tilted towards the labour sector.

Mr LEUNG Yiu-chung's speech yesterday reminded me of something, as I only had a very faint memory of what happened over a decade ago. He reminded me that even he found it a bit strange that he actually won the election of the Textiles and Garment FC, though he was engaged in education back then. He did not mention how much contribution he had made to the Textiles and Garment FC during those two years, that is, 1995 to 1997, and I have no idea about it. However, Mr LEUNG Yiu-chung certainly knows why he won the election of the Textiles and Garment FC back then. It was because Mr LEUNG Yiu-chung had the strong support of the Neighbourhood and Workers Service Centre, and, as all of us know, the Neighbourhood and Workers Service Centre is a labour organization. So, this is a good example to show that under the "nine new FCs" put forth by Chris PATTEN, there was a tendency that representatives from the labour sector would be elected.

Another FC which gave me a very deep impression was the Hotels and Catering FC. This FC also elected a member of the Hong Kong Federation of Trade Unions (FTU) back then. I am not very sure, but it seems that Mr LEE Cheuk-yan was elected under similar circumstances. All these examples show that if all practitioners of the relevant FCs are made eligible for registration as electors, it is highly probable that representatives from the labour sector will be elected.

Back to the Transport and Communication FC election I ran for back then, I was a bit lucky or some may say unlucky that I won the election at the time. Why? Because the competition was actually pretty fierce and I had to face the competition from four representatives from the labour sector, including two major labour organizations, one was the Hong Kong Confederation of Trade Unions and the other was the FTU. Facing the competition from the representatives from these strong labour organizations, I was actually prepared to lose. However, the situation at that time was that votes of the labour sector were spread out between the two labour organizations, and so candidates from the various labour organizations obtained fewer votes than I did. However, my conclusion was that if these two — there were actually four labour organizations, but two of them

were of an extremely small scale — if these two labour organizations were able to nominate, through negotiation, only one representative from the labour sector to run for this election, I would not have been able to be here in this Council today, and I would definitely not have been able to win the election in 1995 because the total number of votes obtained by the two representatives from the labour sector was far greater than that obtained by me. Certainly, by referring to this historical account, I wish to point out that under this electoral system, it would be difficult for people who are not from the labour sector to win the election.

Then, Members may ask why members of the labour sector should not be allowed to represent FCs. I did not say they should not be allowed to do so at all. Representatives from the labour sector may also be stakeholders of FCs, but if the particular stakeholder would not necessarily make long-term commitment to the relevant industries, and would only serve one FC on a particular day while serving another FC the following day, can this person elected really help the relevant FC and contribute to its development? I am not sure, but this may be a factor which warrants consideration.

Another factor for consideration also has to do with what I learnt from my experiences during the two years after I had won the election in 1995. As some people from the labour sector had voted for me, they expected me to help them claim for compensation against their employers or make certain demands on them on various labour issues. I did act according to their demand, but I think representatives from the labour sector would definitely be better at such work than FC Members. FC Members should provide assistance with the overall development of the industries. Certainly, the FC to which I belong covers many industries, and therefore I have to provide assistance to many industries, so that each one of them will be able to undergo development. To date, I still care about all practitioners of my FC in various ways, which include fighting for reasonable arrangements for them and requiring the Government to render them fair and equitable treatment from the formulation to enforcement of policies. I care about matters of different magnitude in my FC. In particular, I spend the majority of my time on addressing the aspirations of practitioners at the elementary level. Apart from addressing these aspirations, however, I still have to assist in or attend to the overall development of my FC. I consider it most desirable if the person elected will devote all his/her energy and effort to making contribution to the relevant FC and assisting in its development.

Is it really necessary to exclude members of the labour sector or practitioners from the FCs? I do not think so. When interim changes were made to the entire system, we proposed to extend the eligibility criteria of electors to cover directors, members of executive committees and the management. When taking a further step towards elections by universal suffrage, we must consider extending the eligibility criteria of electors to cover all practitioners of the relevant FCs. It is just reasonable to do so. However, should we move from the more restricted requirement of corporate votes to the previous package proposed by Chris PATTEN in 1995 in one step, so that all practitioners of an FC will be included? If this model is really to be adopted, it is highly likely that people elected will be representatives from the labour sector. If we take a look at the present representatives of this Council, we will find that there are actually quite a large number of representatives from the labour sector. There are very strong and powerful representatives from the labour sector, both among Members returned by geographical constituencies through direct elections and Members returned by FCs, to speak for workers. On the contrary, there are fewer Members who would place their focus on the development of the industries as a whole. Therefore, it is difficult for the Liberal Party to support the relevant amendments which seek to introduce such major changes at this stage rather than adopting a gradual and orderly approach.

However, regarding the proposal to further extend the relevant coverage to all practitioners, I believe the Government has to give active consideration to it and examine how all practitioners of each FC can be given the opportunity of participation. Yet, we have to bear in mind that they are FCs after all. In formulating any electoral model, one should make sure that FC elections will not be transformed into another battlefield of elections of the labour sector, thereby allowing members of the labour sector to obtain more seats while neglecting the intended functions of FC Members, which is to assist the development of the relevant industries in the economy of Hong Kong and enable them to resolve any problems that may arise. FC Members should fight for the overall development of the industries and strive to make their requests heard by the Government, rather than fighting for any particular rights and interests of members of the industries. As an FC Member, one should not fight for any particular rights or interests of an individual unit or company, but should always bear in mind the overall development and well-being of the industries as a whole.



I always think that FCs and the general public are not opposing forces, and the two of them should never be at odd with each other in a "sectarian" manner. During my service as an FC Member for over a decade, I have never adopted such a mentality. My idea is that I should assist different subsectors of my FC, so that they can continue to improve and expand in society and be complemented by government policies. FCs must serve the general public, and the various units within FCs are also part of the general public. The two of them must complement each other. As FCs are to serve the general public, they naturally have to listen to the public's views and cater for the public's needs, so as to adjust themselves in order to contribute to the public and society.

Ever since I was elected as an FC Member in 1995, I consider that the greatest contribution I have made to my FC and society as a whole was to effect the switch from the use of diesel vehicles to the use of liquefied petroleum gas (LPG) vehicles as hire cars, that is, taxis. The Government's policy back then sought to replace diesel vehicles with petrol vehicles. As all of us know, if the Government's proposal was adopted, the entire ecology of public transport might have been different from the one today. Back then, with the active support of the industry, and after making various efforts and policy research, I ultimately succeeded in demanding the Government to replace diesel taxis with LPG taxis. This has also addressed the public's demand in relation to environmental protection because LPG is after all much more environmentally-friendly than diesel and petrol. Before the introduction of LPG taxis, many taxis emitted black smoke, which had attracted many complaints. However, this problem has ceased to exist today.

I have only given a brief account of this issue handled by me. Certainly, this was not the only issue which was handled by me over the years. The work I did was also able to cater for certain needs of the public. Basically, I wish to use this as an example to illustrate that FCs should not antagonize the public, and I will also do my utmost to meet the public's aspirations. This is not something impossible. FC Members must play this role in order to give the public a better understanding of the functions and duties of FC Members, so that they will not regard FCs as their enemy, thinking that FCs or FC Members do not side with the public. FC Members should, through their own functions, assist society in achieving improvement and assist the public in expressing their aspirations with the co-ordination of the relevant industries, so that each party can do its fair share

to strive for the best development for society. It is only in this way that our society will see a progress and move towards harmony. Thank you, Chairman.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, first of all, I would like to thank Dr Margaret NG for her great diligence in proposing the numerous amendments, so that I have an opportunity to speak. Actually, I already know what the result will be. This Council is exactly a typical example of how people's fate is manipulated by functional constituencies (FCs).

We have discussed the Xinhai Revolution before, and now let us talk about the French Revolution. It was the same with the French Revolution. Some members of the nobility proposed to carry out a reform, and so they convened a meeting of the three estates. At that time, people were categorized into three estates. Some people proposed that all the three estates should hold a meeting to see what France should do. The King at that time was actually not bad, just that some other members of the nobility and people with vested interest were unwilling to hold a meeting of the three estates. Thus, the people could not wait any longer and proclaimed the Tennis Court Oath. Subsequently, they even stormed and seized the prison of Bastille. As a matter of fact, there were only seven prisoners there at that time. Back then, the credibility of the royal court was so low that they had to release the prisoners themselves. Besides, the King could arrest anyone at any time just by signing a document. It is exactly the case with Donald TSANG. He claimed that he was hurt and he could initiate an arrest just by signing a document.

Some people say FCs are very important. In that case, we can surrender our seats to you, and you can divide Hong Kong into 20 000 FCs and give each person one vote, why would that not be okay? This is a very simple issue. Textile workers have almost become non-existent in Hong Kong, and the Textiles and Garment FC is one of the FCs in the election. Then, does it mean that textile workers have not made any contribution to Hong Kong? They work in textile factories every day, and it is not the textile factory owners who have got pulmonary diseases. Are those trade union organizers present here? Even trade union organizers support such an arrangement. What on earth are they doing?

This was what happened to the meeting of the three estates, and it was the same with the Russian Revolution. In the Russian Revolution, people also

requested to convene the Constituent Assembly. Wars put the people in tremendous plight, and those people who were generally regarded as extremely lowly fought bravely against the enemies on the battlefield. Yet, they were not supplied with clothing and shoes. Shoes made by the wives were given not to the husbands but to some other people. Was it not the same in our country? Was it not what happened during the Chinese People's Political Consultative Conference back then? The democratic parties and factions urged CHIANG Kai-shek not to cause the country to go into a civil war. Just after a short while, CHIANG Kai-shek asked how much time it would take to get rid of the Communist army, and CHEN Cheng replied that it would take six months, and that was how the war broke out.

Do Members have any understanding of history? In particular, Mrs Regina IP said something about "magnificent". Does she know how magnificent it was? Does she know how many times a united front was formed? Chinese people had been waiting painstakingly for "military unification, political tutelage, and constitutional democracy" advocated by the Kuomintang, but as the people had run out of patience, the incumbent Government of the People's Republic of China came into being. PENG Qinghua said no one should be allowed to attack the Chief Executive, but does the Communist Party not seize the control over the country with its fist and fight against tyranny? Did the Communist Party not propose the co-operation between the Kuomintang and the Communist Party every time .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, what does it have to do with the composition of FCs?

**MR LEUNG KWOK-HUNG** (in Cantonese): Because we are now discussing FCs, and people from the FCs say people can be divided into high-class people and low-class people, and so giving one vote to each person regardless of whether they are from the high class or low class is absolutely not acceptable. Do you get it?

**CHAIRMAN** (in Cantonese): I do not quite understand your point. Please make it clear.

**MR LEUNG KWOK-HUNG** (in Cantonese): If you do not quite get it, just forget it. Some people say no matter how election will be conducted, some veteran political figures must be elected, just like the Roman Empire, which was governed by some physically strong, influential and wise people. Nowadays, there are still such rulers, and Muammar GADDAFI is a case in point. He is a colonel. All these are examples of the rule of the elite, and all these rulers do not believe in the common people. Actually, why should the common people endure in silence? When we leave the task to you, buddy, you are incapable of handling it.

This is the reality in society. The people of Hong Kong have been waiting for some 12 to 13 years for you guys to carry out government administration, and they have been putting their trust in you. In the end, however, John TSANG has made such a mess, and Donald TSANG has also made such a mess. You are also a TSANG, but what I have said does not apply to you. They have caused widespread discontent in the community. In conducting a review on constitutional development, they even re-advocated the rule of the elite. Exactly what kind of people are they?

You were unable to see the difference involved, and you tried to stop me from going on. Actually, it was the same with the Russian Revolution. The people had been waiting for the holding of the Constituent Assembly, and subsequently the Soviet of Workers' and Soldiers' Deputies, which was exactly a functional group, came into being. The vast majority of the Russian people were workers and soldiers. When the country had to go to war and the poor did not have enough food, they could not wait any longer and so the Soviet of Workers' and Soldiers' Deputies was established — Mrs Regina IP has left the Chamber — was it not the same before the founding of the nation by the Chinese Communist Party? Was there not the Soviet Republic of China, with Chairman MAO being the chairman of its central government? Just by taking a look at history, one will find that all the poor people, including me, have been waiting humbly all along. I have always been waiting for them to lead Hong Kong.

What they are saying now is there must be FCs no matter what, and they even brought up old scores, saying that Chris PATTEN was "playing tricks" back then. I certainly know he "played tricks". In that case, we might as well further divide the FCs into 20 000 FCs, and arrange elections of all these FCs on the basis of "one person, one vote". If you win in the election, I will surely give you credit for it. Will you do that? The answer is "no". You may further

divide these 20 000 FCs into 20 000 FCs, and as long as the candidates do not have to go through any screening, I am prepared to join your game. But the thing is: Will you really do so? You will not.

Regarding the Soviet of Workers' and Soldiers' Deputies back then, do you think they could get some people to control the workers and soldiers, telling them to nominate so-and-so? This was the Russian Revolution. The Chinese Revolution was modelled on the Russian Revolution. After the first burst of cannon fire, the tide arising from the October Revolution began to ebb to China. Was that not the case? The issue of FCs under discussion is actually a century-old subject. In all countries, before people have the ability to recognize their social position, they would believe in the elites in society. Back then, what exactly caused Chris PATTEN, the last Governor of Hong Kong, to open up the FCs to allow all practitioners in the relevant FCs to vote? This can be said to be a problem left over by history.

Concerning the issue under discussion today, Secretary Stephen LAM from the Constitutional and Mainland Affairs Bureau does not have the slightest understanding of our country. In that case, he should listen humbly.

Chairman, my argument is very simple. Dr Margaret NG raised a question today and that is: Even if there are FCs, why are FC elections not conducted on the basis of "one person, one vote"? This is a question the Communist Party has to answer, a question QIAO Xiaoyang has to answer. QIAO Xiaoyang reiterated time and again that he had visited Cuba. Then, I wish to ask QIAO Xiaoyang a question: Is it not the approach adopted in Cuba? Though I do not know whether CASTRO RUZ did so out of sincerity or otherwise. Are there residents' committees, workers' committees and sugar-cane workers' committees, which are allowed to elect their representatives by voting?

If he really has good leadership skills and truly believes in human rationality, then as employers can dismiss employees and order them not to go to work ..... as he is well-educated and thus technically cleverer, why can he not convince people who are not so well-educated like me? Does it imply that democracy can never be practised? If that is the case, he can simply admit that we will never be able to practise democracy!

At the beginning, he advised us to make a rational choice. However, after we did so and cast our votes, the result was not taken as definitive. It is just because they have neither university qualification nor a fortune. Should this not be regarded as universal and unequal suffrage? This is blatant discrimination.

I really want to listen to the views of the various top officials present. If you are to equally divide members of the community into different FCs, in whatever way you like, would you have a high rate of success in terms of population ratio? Unless you would design the FCs in such a way that all bankers belong to one FC, so that a person within this closed circle of bankers would get a seat; while a few tens of thousand street sweepers would belong to another FC and take up one seat. Therefore, no matter how the FCs are designed, and regardless of what specious arguments are put forth, anyone who has the concept of universal and equal suffrage, that is, the concept of electing a person from a certain number of people, cannot agree to this arrangement. It does not have anything to do with the district or the industry concerned. This is what is meant by the so-called universal and equal suffrage.

Besides, some people said, "You fools! What if 'Long Hair' is elected? It certainly will not work." Have I not proposed to give you some room to voice your views, so that everyone can make their own decisions? You may call this the "upper upper house", the "high court" or even the "whatever judicial court". Anyway, I have proposed allowing everyone an avenue to voice out his views. The problem is we do not have any power at all. We have already made concessions to such an extent. What else do you expect? How much longer do you expect us to adopt this humble posture? How much longer do you expect us to carry our petitions in the most humble, lowly manner possible to the Chief Executive on high? How much longer do we have to put on the show of waiting for the Chief Executive to attend meetings to give each one of us two minutes to ask him questions?

A president who is elected by genuine universal suffrage would never put on such a superior air. The present proposal that FCs must be placed above everything else is actually contrary to the simplest human instinct of forward movement. Those in the FCs said we should not propose to give one vote to each person in the FCs on an equal basis. It is a lie. The Democratic Party

does not know of any such reasoning. Yet, they still insist on engaging in this "casual pairing". If they are not stupid, they must be shameless.

Chairman, may I ask what the election of all members of the Legislative Council by universal suffrage in 2020 will turn out to be? Do you understand what I mean? No? I asked what it would become, and what the outcome would be. If we still engage in "causal pairing" today ..... actually Dr Margaret NG has already humbled herself. Even though she knows very well that the Government is trying to fool us, she still plays this game with it. Throughout the years, she has requested the Government time and again to broaden the electorate base. But what did she get? She got the most arrogant answer possible: These people simply do not deserve this vote.

Chairman, you are now 62 years old. Looking back in history, may I ask whether there is any country which can backtrack against the development of human history and still achieve progress? Definitely not.

Under the democratic system, bad guys may still be elected. George W BUSH is exactly a person who brought suffering to the Americans. But he is not in office anymore. I have said plenty of times that democracy does not only involve voting, as many people have pointed out. I certainly understand that even if democracy is practised and universal suffrage is implemented, the disparity between the rich and the poor may not be resolved because there is still the issue of private property ownership. However, we have already made concessions. As long as I am given a fair starting point, even if I lose the running race, I will admit it. But is it possible? Certainly not. The Government is trying every possible means to argue that this unfair running race is a fair competition. Will this set a bad example for children? Is it not the worst kind of violence?

I wish to ask this again: What makes Donald TSANG qualified to govern Hong Kong? What makes John TSANG qualified to go against his own words and turn a blind eye to the plight of the poor? The Government has now decided to give a cash handout. It prefers giving a cash handout to Hong Kong people living in Canada to giving a cash handout to the poor people in Hong Kong. If this is not tyranny, what is it? The middle-class people can get an additional \$6,000, but the poor people cannot get any. This measure of tyranny is precisely formulated by those people who claim to be the elites among members of FCs.

Chairman, whoever still sings praises of FCs is acting against the development of history.

**MR JEFFREY LAM** (in Cantonese): Chairman, there are different systems in various countries and regions in the world. Some use the bicameral system. Some use the committee system. Their entire framework is built on the basis of their cultural and political background. As for Hong Kong, the present system is in use since the reunification and it has undergone revisions a number of times. I have talked to some political participants and parliamentary members from overseas. They have expressed their wish to know more about functional constituencies (FCs). Some even think that this model can be put into practice in their own countries or regions.

Are FCs good for nothing? These foreigners think that FCs do have some merits. Most importantly, they have representativeness and they can express views on behalf of their trades and sectors. Ms Miriam LAU has just talked about the issue of representativeness in relation to the "nine new FCs" and I agree with what she has said. At that time Mr LEUNG Yiu-chung represented the Textiles and Garment FC. However, I learned from conversations with friends from the textile and garment industries that after Mr LEUNG was elected and while in office, he did not have any contact with most of the people in the industries. How then could he represent these industries? This proves that the proposal of the "nine new FCs" did have its shortcomings.

About the representatives of the FCs, we would expect that they are people very familiar with the industries or the sectors concerned and hence can voice their views. Chairman, after I have joined this Council, I have raised many issues which are the concern of the business sector and the community. An example is section 39E of the Inland Revenue Ordinance. I had raised this issue even before Dr LAM Tai-fai joined this Council. After he has joined this Council, he has used more aggressive terms to bring up this issue. This is a matter of personal expression. Yesterday a Member also talked about section 39E. But that Member did not understand the situation behind section 39E at all. This is a very good example. Some Members have been in this Council for a long time but they have never raised any ..... Actually, in terms of society as a whole, the



development of the economy and the industries, this issue absolutely warrants our concern. But no one has raised this issue to arouse public attention.

How are we going to achieve balanced participation? This is an issue of concern to many people. We do not want to talk about revolutions, marches and violence here all the time. Our concerns should be diversified, involving matters of concern to different strata, industries and members of the public in Hong Kong. We cannot just talk about handing out money but neglect the ways to attract foreign investment. When we encounter the financial tsunami, we cannot just stand aloof and turn a blind eye to the plight of some people. We have got to think up some good measures.

On the financial tsunami, actually, the business sector, the professions and many people who are concerned about the economic development of Hong Kong have told me that they want to express their views to the Government, hoping the Government can put forward or revise some policies to help the small and medium enterprises. So we have proposed the credit guarantee scheme worth \$100 billion. This shows that it is the expectation of society that some professionals and Honourable colleagues who are familiar with various sectors can voice their opinions in this Council. This is very important.

During the past few days, many people knew that the Financial Secretary had revised the Budget and they came out at once and claimed that they succeeded in fighting for it. They said that the Financial Secretary would not have made such revisions had they not taken more radical action and made more aggressive speeches. I do not agree to that. I think that in the whole process, there are many cases of dialogues forged, views expressed and rational decisions made. Even today, there are many people who say that they would take the money while escalating the radical action. Is that something rational? I do not want to comment on anyone and the motives behind people who decide to take these actions.

Coming back to the FCs, if we are representatives of an industry or a sector, we should advise the Government and put forward our views from the perspective of our own sector. Such views are not meant to fight for special benefits for the sector itself but aim at better improving the functions of the industry and hence bring benefits to the whole community.

The issues which we from the Economic Synergy raise in this Council and the dialogues we make with people from all walks of life outside this Council are

not just about business and trade policies and economic development. We are also very concerned about various issues regarding people's livelihood. We may not be appearing on the television every day and holding banners declaring our success in fighting for the revision. We may not be taking any radical action and so not every member of the public would notice us. But we are working every day.

In this Council we are often under attack from some Honourable colleagues. They say that FCs are useless and FC Members do not attend meetings and do not work at all. I would think that these comments are unfair. FCs do have their own representativeness and they have made a lot of contributions to Hong Kong. Actually, we are working in two directions. We get to have a balance and so does society; there should be income when there is expenditure. We must not just say things pleasing to the ears of the Government, but also those piercing to its ears. With respect to policies, we have also expressed a lot of different views.

Now society is discussing the way forward of the FCs. I would think that while discussion is necessary, we should discuss in a rational manner. Before the entire political framework, the political assembly framework and the political party framework of the Hong Kong SAR are fully mature, we should deal with things in a gradual and orderly manner and there must not be any sudden drastic changes. If we have a substantial change and the result is not so desirable, there would be a big rebound in society. So how should we change? This issue may lead to great controversies.

As to the question of what kinds of people are representative and who should have the right to vote, I would think that it is time that this should be discussed and we should not recklessly say, "We might as well change in this way." There are various participants in an industry. In the case of the business sector, in every company there are participants coming from different sectors. There are certainly bosses and employees. These employees do all sorts of work in fields like telecommunications, cleaning, accounting, law, and so on. Actually, we can also see many cases of overlapping of identities. For instance, in the business sector, some people can take part in the election or nomination in the business sector, and also in the legal, accounting or other sectors. I think these are problems which the Government should seek to solve. Some

employees may be responsible for work in the office pantry, taking care of the food and drinks of all the employees. They do make contributions. But how much knowledge of the sector do they have? This is also something we should discuss.

Chairman, I do not think that the representativeness of the FCs should be immediately denied and so is their recognition in society. As a matter of fact, many people think that FCs should continue to exist. I am not saying that they should be there forever. I just say that they should be allowed to exist at this stage. As for matters like nomination and method of election, we should discuss these issues frankly in the hope of seeking improvement. This is because many problems are not yet solved at present. However, these representatives must know the related industries well enough. We must not allow people who do not belong to the industries or know them well enough to be the representatives. This is because irrespective of whether their remarks or suggestions are taken by the Government in the end, there would be substantial impact on the policies, the economic development as well as the overall development of people's livelihood in Hong Kong.

So Chairman, I do not agree to the amendments from Dr Margaret NG. Thank you, Chairman. I so submit.

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

**MR ANDREW CHENG** (in Cantonese): Chairman, the issue of functional constituencies (FCs) is a great obstacle indeed to the election of the Legislative Council by full universal suffrage. However, after many years of discussion, we have changed from hoping to see the gradual and orderly abolition of FCs to witnessing the permanent existence of FCs. We have always been trying to justify the existence of FCs, claiming that for popularizing or consolidating the overall interests of society, we cannot only rely on Members returned from geographical direct elections because at times they are too politicized and too inclined to populism, and they know nothing about economic issues, but FCs can protect the interests of the business sector.

As Hong Kong is a commercial society, the above reasons sound plausible. However, as seen from the perspective of the development of all mature or democratic societies in the world, FCs are a blatant monstrosity.

Chairman, my comment just made is not aimed at denigrating FC Members. This is because I returned from an FC back in 1995. Of the 60 Legislative Council Members today, I remember both Mr LEUNG Yiu-chung and I came from two of the so-called "nine new FCs" which were dubbed as "crashing headlong into destruction" at that time. I always think about the FC I belonged to, but I cannot even recall what it was called. This is because the name is too long: Financing, Insurance, Real Estate and Business Services FC. Or you may ask, Mr Andrew CHENG, why is it finance? I have never worked in a bank. Why insurance? I have never sold any insurance policy. Why real estate? I have never been a real estate agent. Why business services? This is awesome. It turns out that business services cover law firms, accounting firms, and so on.

About this new FC, or what was called the "nine new FCs", I forget which group I belonged to. It seems to be the sixth or the seventh group. But among the 170 000 electors, many of them were practitioners in these trades.

I recall I tried to canvass votes at that time in the lobby of the Bank of China headquarters because all the tellers were my electors. I certainly wanted to distribute leaflets to them. As you know, we were used to conducting door-to-door visits. So I went to the Bank of China to canvass votes. It was a huge place there. I went in like a VIP. At that time not many people knew Andrew CHENG. And so the name of "Andrew CHENG" was quite eye-catching. But I was stopped by a security guard even before I had made my way to the centre of the lobby. The first words I said to him were I was a client of the Bank of China. It was because I had a mortgage loan with the Bank. There was no reason why the Bank could treat its client like that. As a client, I could come to the Bank. The manager said that I had obviously come to canvass votes. I said it was right and I wanted to leave some leaflets there. He asked me how many I had got. I said plenty. And it could be in the hundreds. I asked him how many he wanted. He asked me to leave some tens of thousands of leaflets. I said that I did not have that many. In the end, I left behind a few dozen leaflets. The whole event took me about half an hour.

The reason why I tell this story is that it has something to do with the subject. I hope every banking staff knows that it is very difficult to approach an elector in an election. At that time I wore out three pairs of shoes. I came to every busy thoroughfare in Hong Kong — Nathan Road, King's Road, Queen's Road and so on and I went to all the branches of every bank to canvass votes. I dare to say that managers of some pro-China banks — though I prefer not to have their names disclosed — welcomed me very much and they even let me use their conference rooms. But they asked me not to tell their bosses about it. It made me so excited that I went to as many branches as I could to canvass votes.

Overall, I would think that the name of an FC should represent the sector to which you belong. After I joined this Council, the first item in my platform that I had to handle was the setting of maximum working hours. As we all know, the working hours in the finance, insurance and real estate sectors were very long. From this it can be seen that the main difference between the "nine new FCs" and the traditional FCs we have now is that 170 000 electors, though not a large number, can really represent quite a number of Hong Kong people. If I come across this problem of maximum working hours, all the people of Hong Kong actually would have the same problem as well.

What is most worrying is that these traditional FCs only represent the interests of a minority. When the interests of a minority run counter to the interests of the public, and when coupled with the split voting mechanism, these two fetters have crippled the whole parliamentary system. Very often, issues related to people's living also fail to be endorsed by the Council.

Chairman, in the progress towards democracy, if we really hope that this Council can do something and that it can truly represent the overall interests of Hong Kong, then FCs should have no reason to exist. This includes the former "nine new FCs", which were only something belonged to a transitional stage.

What is unfortunate is that as we can see in the constitutional reform package last year, and I wish to state again, that the super District Council FC only serves to perpetuate FCs into eternity. It serves to rationalize FCs and this process of rationalization can be described as weird and mysterious, resulting in many leaders of political parties — I do not know if the Civic Party will join the elections for this FC — I can honestly say here ..... my stand and that of the

Civic Party are quite similar and close on many issues. But in this respect, I would think that the Civic Party should not take part in this election, with the exception of Mr Ronny TONG, as I mentioned yesterday. In my view, if we believe that only by the implementation of full universal suffrage can a reasonable system come into being, then we should boycott and walk away from this election. This is a piece of advice I want to give to my former fellow party members, that is, those from the Democratic Party. Now there is no one from the Democratic Party present here.

Chairman, about this issue, I wish to state once again that I admire and respect Dr Margaret NG very much for her hard work in putting forward all these amendments. I hope that Honourable colleagues from the FCs, that is, the traditional FCs, will understand. We have debated and discussed this issue many times. We are not targeting anyone. Among the FC representatives in the past, there were truly many hardworking colleagues who had both wisdom and commitment. For example, James TIEN and Selina CHOW once belonged to FCs and they were returned from geographical direct elections later. Representatives of the business sector will not lose their representativeness if FCs do not exist any more. This is because business sectors all over the world will definitely lobby the political parties. The people of Hong Kong are even smarter. They will not elect all candidates who represent the grassroots through geographical direct elections when there are no FCs and no representatives from the business sector. I do not believe this would happen. So I hope the amendments today ..... well, I know that they would meet a hard fate today. In fact, every time when we rise to speak, we are in a very miserable position, for we have been repeating the same things for more than a decade. But what is even more miserable is that as I have said in the beginning, at first we thought that there was a chance of FCs being abolished. It was only that the time was not ripe and the political parties and Members were not mature enough and that was all. When the right time came, the FCs would be no more. But when the time is beginning to get ripe, they say that it is essential for FCs to exist. I think such debates are pathetic. It is only an excuse and there is always an excuse provided that FCs will continue to exist. In that case, you have all the say. What say do we have?

I hope that Members can really think from the perspective of the overall interests of Hong Kong. Now under this system of the Legislative Council — this deep-seated contradiction exists, and if it is allowed to go on, people with

political aspiration and commitment will not be attracted to join in. This is because once entering this Council, it is like a dead end. Coupled with the requirement that the Chief Executive cannot have any political background, you will see ..... I mentioned the Budget yesterday and so I would not repeat. Chairman, overall, there is confusion in the executive arm and also inequality in the political assembly, thus subjecting the whole society to a helpless state. We have a responsibility for that as well. We have a responsibility to make changes. If this situation goes on, there can be no way out. I fail to see any ray of hope, or any chance of democracy and constitutional development. I am very pessimistic about it. This pessimism has existed in me for many years. I try to change this situation with a positive outlook. But I am finding it harder and harder. I become more and more helpless. This will not do any good to the development of Hong Kong.

As one of the Members from the "nine new FCs" who still remain here, I still firmly believe that FCs belong to a transitional stage. We should not let FCs continue to exist under all kinds of excuses. Even if the District Council representatives will have 300 000 or 400 000 votes in their hands, I would also hope that Members can have the determination and commitment and say on their own initiative that FCs have all sorts of shortcomings and inadequacies and hence they should be abolished. The best method is, of course, to follow the model of the "nine new FCs" and expand the existing traditional FCs and the electorate base of corporate votes to allow individual votes. Then FCs should be gradually abolished so that their mission in history will really be completed.

I support the amendments from Dr Margaret NG today. We understand that it would be impossible to achieve universal suffrage at one go. We only hope that a step forward will be taken in that direction as far as possible. Thank you, Chairman.

**MS CYD HO** (in Cantonese): I welcome the amendments from Dr Margaret NG. But these are in fact very minor amendments. And I believe Dr NG would agree with me that this is merely a kind of interim measure. However, I would think that the most effective interim measure is not to approach the issue from the electoral base but to turn the 10 functional constituency (FC) seats into geographical direct election seats. If the Central Government allows 10 FC seats to be in transition every year, according to this target, a complete change can be achieved in three

terms. In that case, I can consider agreeing to it. But we must take the first step to set a quantitative target for transition.

Chairman, in 1994 I was yet a Member of this Council and I worked in a community organization called the Ant Alliance. The Ant Alliance came into being due to the push for full direct election by Ms Emily LAU in 1994. In the end, her motion was voted down just by a narrow margin of one vote, leading to the failure to implement full direct election here. Subsequently, the Ant Alliance applied for legal aid and sued the then Hong Kong Government for breaching the Bill of Rights in holding FC elections. At that time the application for legal aid had to go through a miserable process where the applicant had to be accompanied by a barrister. If no barrister was present to debate with the judge, there was no way an application could succeed. Besides, we went to the court six times all together. Why was it going there six times was necessary before the application for legal aid was successful? It was because there were only five magistrates at that time and all of them refused to give a judgment. So our application had to come back to the first magistrate after each of the magistrates had vetted it. He then granted our application legal aid. From this it can be seen that it is very difficult to apply for legal aid in cases involving the Bill of Rights.

Although we succeeded in getting legal aid, we lost the lawsuit. What was the reason for losing the case? It was not that it was not proper to sue the Government for breaching the Bill of Rights but because of the Letters Patent. The Letters Patent clearly stated that there were FCs. So we had to act according to this mini constitution at that time. This is quite similar to the case at present. Though the court at that time also thought that there was a breach of the Bill of Rights, there were saving clauses and the Letters Patent at the time when the Bill of Rights was signed. So we lost because of these technical provisions instead of the principle. However, this transition period which started in the British Hong Kong era in the 1980s has still been going on at present. The time taken has actually been too long and it runs counter to the principle of gradual and orderly progress.

Chairman, I oppose FCs. The reason is that once various sectors are divided, electors and representatives of a sector, due to the structural reason, will certainly speak for the interests of their sector. And it has nothing to do with the number of electors. Let me give an example, which is the insurance sector now. When the Government sets aside \$50 billion for healthcare insurance, the measure



will certainly be welcomed by both the bosses and front-line practitioners, saying this injection of \$50 billion is beneficial. However, other people may ask, would abuse in providing and seeking healthcare service be caused when this injection of \$50 billion makes healthcare an industry and pushes it to the insurance sector? Would this rob the public healthcare system of its resources for service provision, making people waiting for their turns in the public healthcare system unable to get the healthcare services they are entitled to? It is inevitable that people outside the insurance sector would think this way. But for those working in the sector, regardless of those in the top positions and getting top annual salaries or those sitting at the office entrance and getting the lowest annual pay, they will all want good business in their sector. So things are quite similar regardless of the number of electors.

Mr CHAN Kin-por even mentioned yesterday the problem of a further division within the sectors. In his view, it should not allow all practitioners in a sector to become electors because they do not know how to approach the problem of employment and only the bosses know how to do so. But Chairman, I am sorry to say that at times when the economy turns bad, the first thing that comes to the mind of a boss is to cut the jobs, hence reducing job opportunities. Practitioners, on the other hand, hope that the sector they belong to will grow and prosper. From this it can be seen that if we divide ordinary people into groups or sectors, this is actually a process of division. The result is that everyone will unconsciously place the interests of their own group above all others because of the attribute of a group. Though there are times the interests of a group may coincide with those of the public, it is not the case most of the time. Then why should this system be kept?

Chairman, it is not that I have not made any compromises. I remember "Uncle Wah" once talked about FCs. He said that it was only in one kind of situation that he would accept it. And that was when there was a "Human" FC. I am more lenient than "Uncle Wah" in terms of principle and I can accept two FCs, one for the male and one for the female. I would think that both of them are all right. But unfortunately, the amendments now only seek to expand the electoral base, covering the ordinary people by expanding the corporate votes of the management and the directors, so as to make individuals and practitioners a basic unit. But these amendments will not be passed. As a matter of fact, these amendments are just modelled on the practice of forming trade unions in various industries to fight for their own interests in Europe and Britain after the Industrial

Revolution. Such things were put into practice in these countries one to two centuries ago. Why have we learnt at such a slow pace? Also, even if we want to learn from the century-old experiences of others, the amendments are not necessarily passed.

Chairman, if Members are sincere in placing FCs in a position of transition, the method of transition for the grand electoral college in the past should be adopted. That is to say, there were 10 seats in the first term in 1998, then they were reduced to six seats in the second term, and all such seats were abolished in the third term. Can we have a similar transition of all the existing 30 FC seats by phases? Of course, I would think that the best thing is a "one-off" transition so that the target can be achieved at one go in 2012. However, I understand that this is far from being the political reality. It is only a direction. No pledge made is better than any action taken. If Members really hope for a successful transition, then they should work on the quantity as quickly as possible. I believe this direction of progress by phases would be more convincing. Thank you, Chairman.

**MR PAUL TSE** (in Cantonese): Chairman, although I was not specifically bred for taking part in politics, I do understand that politics is underpinned not only by theories, but also by reality, enforcement and practice.

Let me cite the Mother of Democracy as an example. After many years of changes, why is it that the royal family, the system of aristocracy of the House of Lords and the democratic system of the House of Commons still exist there nowadays? Even in Australia, which is regarded all over in the world as the most experimental country in law among European and American countries, the Queen of the United Kingdom has remained to be the sovereign head. Politics has to take into account the changes and evolution of the country and the race, and maintain social stability. There is no clear standard stipulating that there is democracy when these things exist, or there is ideal when these things exist, or there is utopia when these things exist. This is actually not the case, and this will only create confusion.

Chairman, many colleagues often say that functional constituencies (FCs) have a lot of shortcomings and that direct election has a lot of merits. Many of

these views are correct but these views are all theories. What will happen when they are put into practice? Since some colleagues are in this Chamber, let me first respond to some of the remarks made by colleagues earlier. .

Mr Andrew CHENG said that the new super District Council seats should not be supported and that supporting these seats would be tantamount to rationalizing FCs, but he is supportive of these amendments today. Although these amendments seek to make some fine-tuning, it has also rationalized FCs. Many colleagues have criticized the split voting mechanism, and Mr Andrew CHENG even said earlier that it was most scandalous. Indeed, the system itself has some defects. But have colleagues exaggerated the importance of individual FCs and underestimated the selfish motives of individual geographical constituencies (GCs)? Why do I say so? Take the Insurance FC as an example. If a certain policy, proposal or motion is beneficial only to the insurance sector and does no good to the industrial and commercial sectors and the general public, do you think that this policy, proposal or motion can still be passed in this Council? Will other colleagues not try to stop it? In certain respects, FCs are generally inclined to maintain social stability, and they are more conservative. They do not just look at an issue from the angle of a recipient, but also consider from the angle of a giver or contributor.

The composition of the Election Committee tasked to select the Chief Executive or the composition of the FCs has in one way or another reflected that not only political figures have representativeness and that in society, not only political figures have a say. In this society there are the other three quarters of people who are equally concerned about society, who can equally exert an important influence and who are equally striving to become representative in society. These people include members of the labour and grassroots sectors, religious sector, industrial and commercial sectors, financial sector, and the professions. Political figures have representativeness but they account for only a quarter of the composition. If we remove the representativeness of the industrial and commercial sectors, labour sector, religious sector and the professions and create a new composition by, say, multiplying "Long Hair" by two, multiplying WONG Yuk-man by two and multiplying everyone in this Council by two, would that be harmful or beneficial to the overall representativeness?

Ms Cyd HO remarked that we must learn from overseas experience. In respect of certain issues (such as technology), we can indeed learn from the

developments, mistakes and experiences of the culture of other countries, and we can do it in one step. Take the express rail link in the Mainland for an example. The United States is actually very envious of this system. Over the years the United States has only developed the road networks but not the railway networks. Railway development is the "late spring" of China but nowadays, the United States has found that China's railway network is even more advantageous, more environmentally-friendly and more efficient.

However, politics is not technology, and we cannot simply borrow the model of others and apply it locally. A political system is deeply rooted in the history, tradition and the DNA of the local people. Many things cannot be changed overnight. We cannot just borrow it and apply it here, for this would only create confusion. As we can see, in many Middle East countries and even in countries at war, it is considered that overthrowing an autocratic rule can immediately bring a blissful life to the people there. In fact, it has to take a very long process.

Let me cite Britain as an example again. Why has Britain taken so many years to carry forward just a bit of reform? As we all know, in Western countries (especially the United States), all the debates from the first round of election to the official presidential election are broadcast on television over the years. It is after many years of delay that Britain has recently allowed the Prime Minister election debate to be televised live but it ran into trouble right away as this has led to subtle changes in the culture of a two-party system stressed by Britain. Given that there are now three political parties, Britain may be forced to adopt the proportional representation system, in order to ensure a more stable political society in Britain under the two parties of the Conservative Party and the Labour Party. Like many other European countries, Britain is faced with the problem of unstable political power.

Therefore, politics is not a precise scientific formula which can be applied once it is worked out. It is specific to the place and to the national character and history of the country, including its burden and tragic experience, as well as the difficulties it is now facing. Under "one country, two systems", the system of Hong Kong is unique in the world and involves problems which are difficult to be tackled. Some people even compare the problem of Hong Kong to that of Gibraltar which involved Britain and Spain, and to the racial problem in certain Middle East countries. If, in a community, there is deep-seated hatred and a

wide gap among various races, it is impossible to implement a democratic system through direct elections immediately, for this would only split the place into two communities instantly.

In Hong Kong, although we are fortunate not to have deep-seated racial or religious hatred, I am afraid that we are still under the profound influence of ideological hatred or bitterness. The parents or grandparents of many colleagues in this Chamber may be affected to various degrees by the historical incidents which took place in our country over the past century or so. This may, to various degrees, cast a shadow on them psychologically, in their blood or in their DNA. Under such circumstances, if we want to push for very rapid development, I am afraid that this would only split the community of Hong Kong into two ideological blocs and this would only result in confusion. The confusion that we have seen over the past decade or so since the reunification is in one way or another a reflection of this scenario.

Mr LEUNG Kwok-hung questioned earlier whether the FCs are more superior, alleging that the FCs have an overriding status. I do not wish to provoke a class struggle by some simple slogans here to the detriment of rational discussion. I absolutely do not think that FC Members are superior to GC Members, and there is entirely no question of having an overriding status. In fact, let us not forget that among the FC Members there are three Members representing the labour sector. They have given play to their talents, and they have given play to their representativeness.

But Chairman, what I am saying is to be specialized and expert. Dr Margaret NG refuted me last night by saying that many experienced barristers are more specialized and expert than she is, as they are more senior and experienced. Speaking of experience as a barrister, I may be more experienced than Dr Margaret NG. What I am trying to say is that a person who can spend more time on something will naturally be more specialized and expert. Why are these many amendments today not proposed by other barristers in this Council who are more experienced than Barrister Margaret NG, but by Dr Margaret NG herself? Because she is still a FC Member and she has more time to concentrate on issues relating to the legal profession. Dr Margaret NG has chaired or participated in many bills committees. It is not the case that other lawyers or barristers cannot do the same, just that they have to take care of their electors and they, being Members directly returned by GCs, have a lot of work to handle. This is a

matter of specialization and expertise. I think any lawyer or barrister in this Chamber can certainly do better if they can deal with issues in the legal profession with more specialization and expertise.

Chairman, I would like to share with Members some new thoughts of mine. I think we need not look at FCs from the angle of making a defence. As mentioned by Mr Jeffrey LAM earlier, if we particularly take Britain as an example, we will see that they had studied the feasibility of introducing FCs many years ago but they did not succeed. Why? There were two major reasons: First, it is not easy for those with vested interest to give up their interest. It is absolutely not easy for a political society without FCs to create FCs; second, the greatest difficulty in creating FCs is how the pie is to be shared, or how a decision should be made on which sectors should be given a seat and which should not.

Surprisingly or fortunately, when the delineation of FCs was made in those years in Hong Kong, Hong Kong people were entirely like just awakened from a dream and completely had no participation in politics. The Hong Kong Government was given a free hand to handle this issue in whatever way it liked. Nobody had put up a protest or a fight. Many people were even unwilling to participate in politics. They preferred to make this entirely the responsibility of other people, and all that they cared about was making money. It was exactly under such circumstances that FCs were born smoothly in Hong Kong. Otherwise, they would not have been created. It is by no means easy to make changes to the delineation of any FC now. We had to give a lot of thoughts, spend a lot of time, do a lot of calculation and even put up struggles before the composition of various FCs could be gradually and clearly defined.

As Dr Margaret NG's amendments also involve the tourism sector, let me cite the tourism sector as an example. Although Dr Margaret NG was well-intentioned and had spent much time on this issue, she has only worked behind closed doors. Why do I say so? Let us take a look at clause 200 which concerns the composition of the Tourism FC. She has proposed a definition for "working persons", providing that the Tourism FC will be composed of working persons in certain industry groups. What industries are they? Sorry, as I am looking at the English text, please allow me to use a mix of Chinese and English. They include "short term accommodation activities, travel agency activities, other reservation service and tourist-related activities, as well as activities of amusement parks and theme parks". According to this definition, people engaging in

industries such as entertainment, transport, catering, retail, beauty care services and plastic surgery, and also doctors as well as pregnant women will all belong to this sector, because anyone who is related to tourism can be considered as a member of this sector, not to mention whether he is a boss or an employee.

We can, of course, expand the coverage of a sector, but the problem is how we can define who are eligible for being included in it, and this is very difficult. For how long a person has to work in the sector in order to be eligible? Why is it that the legal profession includes barristers and lawyers only, but not legal assistants, secretaries, staff working in the tea room, or even filing clerks, printing clerks and translators? Their work is also related to law. If we give a definition in this way, the electoral base of the Legal FC will turn out to include over 100 000 people.

This is only a theory, but is it practically feasible? Does it have representativeness? This is most crucial. FCs are not just fighting for the rights of the sectors. They can also be a representative way for us to choose our representatives. Let me stress once again that FCs are not merely a transitional arrangement. They are also an arrangement for transition to a new "genetically-modified", quality democratic system. This potential has been brought into play in Hong Kong under "one country, two systems". However, we would like it to be brought into play continuously.

**MR FREDERICK FUNG** (in Cantonese): Chairman, the Legislative Council has been debating the bills on the Chief Executive and Legislative Council elections for the past few days. Dr Margaret NG had proposed earlier a number of amendments and I did support them. But with regard to these amendments, I am sorry that I cannot give them my support. Having said that, it does not mean that I share the position of Mr Paul TSE — I am sorry, my voice sounds a bit hoarse — or that of other Members in support of functional constituencies (FCs). Although my position is completely different from theirs, I cannot support these amendments proposed by Dr Margaret NG.

First of all, I would like to talk about my views on FCs, as well as what I have done before, in order to prove that I am no less determined to abolish FCs than to abolish the District Council (DC) appointment system. FCs have three characteristics. The first is that they are designated, and what this characteristic

reflects is privilege, as only certain professions, the business sector or certain workers' representatives are eligible for contesting a Legislative Council election and for selecting the Chief Executive. Why is it that only certain sectors are eligible to do so whereas the other sectors are not? This is a privilege, and this privilege is man-made. Second, the nominator of a candidate must come from that particular sector, which is entirely a violation of the principle of universal suffrage. Third, each FC seat was returned by a very small number of votes in the past elections. If we look at the numbers of votes obtained by Members of the 30 FCs respectively, the lowest is as few as some 100 votes while the highest is only 80 000 votes. Some are corporate votes and some are individual votes. Even though 80 000 votes are obtained, that is still a very small number. These three characteristics mentioned above are completely not conducive to the development of universal suffrage. None of these characteristics is acceptable, and they are all very bad. I have all along only criticized the system itself, not any individual. I have always drawn an analogy between the FC system and "a tiny bit of cats' droppings falling into a pot of delicious porridge with scallops and fresh oysters". Even though it is just "a tiny bit of cats' droppings", I would not eat the porridge. So far, I cannot find another expression which can better describe the FC system. But even if there is it, I believe that expression is definitely no better than "cat's droppings".

Moreover, unlike appointed DC members, FC Members are not as simple in nature as that of members in the advisory framework. What members in the advisory framework have said is just mere talk, and the views expressed by appointed DC members are for reference only, but what FC Members have said is not mere talk, for they do exert an influence. Apart from exerting an influence on this Council, FC Members also exert an influence on government officials. I think their work is, in almost all cases, intended to help their own sectors, industries or trade unions. Although I also serve the grassroots, I fully take exception to creating an FC for trade unions.

When the FC system was first introduced, the Hong Kong Association for Democracy and People's Livelihood (ADPL) considered that it must be abolished. What have we done to this end? In 1992, the ADPL set up a task force to study the FC system, and we published a report consisting of more than 50 pages. The findings of the report showed that the FC system had not only the three characteristics that I have just mentioned, but also other problems, although some of these problems have been improved. Under the past system, no attention was



paid to who would be appointed to vote on a company's behalf. In other words, if I own 20 or 30 companies which all belong to a certain FC, these companies can all appoint me to vote on their behalf, meaning that I alone can cast 20 or 30 ballots.

Back then we discussed this report with a Queen's Counsel. I think she would not mind me revealing her name here, as she assisted us on a voluntary basis. Queen's Counsel Gladys LI had read our report and agreed to the contents and findings of the report. She considered the FC system a breach of the United Nations human rights conventions and the Bill of Rights — certainly, the Bill of Rights had not yet been enacted then, and let me put it in another way, it is a violation of human rights. After discussion, we held that we should, on the basis of this report, consider taking the then Hong Kong-British Government to court. Later, a kaifong was willing to sue the Government but met a lot of obstacles in the course of applying for legal aid. This kaifong was under enormous pressure and had even cried for this reason for many times. Finally, we gave up our plan to sue the Government owing to the process of applying for legal aid, because that kaifong could no longer stand the pressure.

To whom did we subsequently submit this report? We submitted it to Mr ZHOU Nan, the then Director of the Xinhua News Agency in Hong Kong, Mr LU Ping, the then Director of Hong Kong and Macao Affairs Office of the State Council, and Mr Chris PATTEN, the former Governor of Hong Kong. We even went to Britain and submitted the report to the then British Foreign Secretary Douglas HURD, telling him why we could not accept the FC system. The efforts that we have made for the abolition of the FC system are no less than what we have done for the abolition of the DC appointment system. In order for Hong Kong to move towards dual universal suffrage, particularly the election of the Legislative Council by universal suffrage, FCs cannot exist, and the three characteristics that I have just mentioned should not exist in the election of the Legislative Council. In providing the above background information, I hope Dr Margaret NG can understand why I cannot accept her amendments.

Certainly, on the question of how we should move towards universal suffrage, different democrats may have different strategies, different approaches, different interpretations or different understanding. However, I would not, for this reason, come to the view that these people no longer belong to the democratic camp or they have betrayed democracy; nor would I even say that these people

have been bought off. Over the past two decades, this has been the position of the ADPL on FCs since it was first stated in the report in 1992. We know very clearly the situation of FCs.

Why can we not agree to Dr Margaret NG's amendments now? Dr Margaret NG said that she could not agree to the creation of those five new DC FC seats by the Government. Yesterday, I already analysed the similarities and differences between those five seats and the traditional FC seats and so, I do not wish to talk about them again today. Members who listened to my speech yesterday should know my views. My argument today is consistent with the argument that I put forward yesterday. What I am trying to say is that although the five new seats for DCs in the next term of the Legislative Council are FC seats, these seats have certain characteristics which make them different from traditional FC seats. As I said yesterday, the creation of these five new seats is tantamount to announcing that the traditional FCs can no longer exist, develop and expand.

I think only the traditional FCs have these three characteristics. This is very clear. The kaifongs are also well aware of this, and I do not have to explain it to them at all. When it comes to FCs, they will immediately have this reaction: "What? Is it not ridiculous that people are elected by obtaining only 100-odd votes?" But if we tell them that FCs have an electorate of 200 000 to 300 000 electors — In the 1990s, the Sham Shui Po constituency, to which I belonged, had only some 200 000 electors; no, it should be some 300 000 electors — which is the same as the electorate of the Sham Shui Po constituency in which I contested the election before, we may have to spend a longer time explaining to the kaifongs why this form of election is wrong.

Once the number of electors is increased, the legitimacy of the elected candidate will be enhanced. If this sector is proposed to be abolished in future, electors who support this sector may question why this sector has to be abolished, because they are in support of this sector. If the electorate of the existing traditional FCs is expanded, the legitimacy of these Members will be enhanced.

As to what arrangements should be made for transition from the present situation to universal suffrage, the ADPL considers that a "watering down" approach should be adopted. It means continuously increasing the number of directly-elected seats that we support and when the number has increased to a

certain level, all the traditional FC seats should be abolished in one go. This is the "watering down" approach advocated by the ADPL for achieving universal suffrage in 2020. We have discussed this approach with the Secretary and the Chief Executive but as at today, they have not yet replied whether or not they accept this proposal.

If the existing system is to be retained, some people may say, "Is it not ridiculous for one seat to be returned by 150 electors? What exactly are corporate votes? Why is it that a seat returned by 150 electors is the same as a seat returned by over 1 million electors, or even a seat returned by over 2 million electors in New Territories West? Is that not ridiculous?" Under the mechanism of split voting, as long as FCs can grasp 15 to 16 votes, they will have enough votes to negative all motions.

The public are well aware of this situation. As at today, I still do not believe ..... I have made fun of this for several times, as it is like requiring "three green lights" to be given in order to achieve universal suffrage. This Council will have to give a green light, the Chief Executive will have to give a green light, and the Central Authorities will have to give a green light. How can these three green lights be turned on? Let me reiterate that I do not mind the democrats having different approaches, strategies and understanding. Regarding some systems which we most strongly wish to abolish, we hope that they can be abolished after another two terms. Of course, if the Central Authorities tell me one day that there is not going to be universal suffrage for the Legislative Council election in 2020 or the universal suffrage to be implemented in 2020 will be a fake one, that would be a different issue.

Speaking of FCs, people with some knowledge of the work of this Council and politics or people who are concerned about social issues will know what FCs are. I think it is inappropriate to expand the electorate of FCs at this stage, especially as there are only two terms of Legislative Council in the run-up to 2020. Expanding the electorate of FCs will give the impression that there are more supporters of this system and hence enhancing the legitimacy of these seats. This would, on the contrary, become a stumbling block to the abolition of this system in future. Therefore, for the points that I have just made, I hope Dr Margaret NG can understand that we actually share the same position and objective, but I am more inclined to retain the original arrangement and people can then see the shortcomings of this system. Thank you, Chairman.

**DR PRISCILLA LEUNG** (in Cantonese): Chairman, in September 2006, I joined Prof CHANG Chak-yan, Prof CHENG Kwok-hon and other academics in compiling a 80-odd-page detailed report, which had a substantial part of the constitutional reform package proposed at that time attached at its annex. In the report, we proposed a constitutional reform trilogy, including a timetable and a roadmap. According to my proposal, first, the electorate base of functional constituencies (FCs) should be expanded in 2012, preferably to approximately 1 million people. The second step was to implement "one person, two votes" to enable electors who were originally not allowed to enjoy voting rights in FC elections to vote in a FC chosen by them. In other words, everyone would be able to vote in FC elections. However, the size of the electorate in each FC might differ, given that it was a problem left behind by historical development.

If the second step could proceed smoothly, we might consider, as the third step, requiring all FC candidates to face direct election. According to our notion at that time, the third step we proposed was even more difficult to achieve than direct election. Meanwhile, consideration was also given to the fact that, according to the discussions held in the community or in relation to numerous concepts, candidates and Members of FCs were distinctive professionals and still made important contributions to the Legislative Council in terms of policy formulation. Therefore, they must meet the requirements of two frameworks: First, they must meet the relevant professional requirements before they could become a candidate; and second, they were also required to face universal suffrage, like the election in the so-called one single large constituency under discussion now. In other words, the candidates must fulfil two qualities at the same time. I also believed when this step was taken, the conditions would be ripe for the participation of FCs in election by universal suffrage, and resistance in FCs would be minimized.

Why did we put forth these proposals? This is because after lengthy discussion, we came to the view that the abolition of FCs in one go — I recall I asked this question years ago: Should those FCs supporting the expeditious introduction of universal suffrage hand over their seats first for the election by universal suffrage? I remember the Commission on Strategic Development also discussed this at that time — FCs would certainly not be willing to do so because no FCs would tell their constituents that, for the sake of implementing universal suffrage in the future, they were willing to abolish their FCs and hand over their seats. This is impossible. I believe it is impossible in political reality for all FCs to be abolished abruptly. I think it is extremely difficult to expect such a

big political, historical and institutional leap in Hong Kong by requiring elected FC Members to vote against FCs or in support of the abolition of FCs.

This is why we proposed the trilogy in the hope of achieving a smooth transition, meaning that FC Members should not be compelled to act this way reluctantly. Besides, they believe they have made enormous contribution. Why have some people made such harsh criticisms against them? We think consideration should also be given to their feelings after they have worked here for so many years. Furthermore, the functions of FCs, such as those of the professions of several friends in the Professional Forum, to which I belong, are indeed impossible to be performed by some other people.

In what way can the rules of the game ensure that these professionals, who might not be returned by direct election, will be elected? This is why we have proposed the third step, that is, both FC constituents and candidates with the aspiration to take part in FC election must fulfil two qualities. I think that some FC Members are already psychologically prepared to meet this challenge. I have also noted that their multi-pronged publicity approach is facing the public. Nevertheless, not everything can be rushed as you wish. The problem lies in what can be done to make this process of development acceptable to everyone to ensure the target is achieved. I think both parties must take this into consideration.

I was returned by geographical constituency (GC) through direct election. To be honest, Members returned in this manner will give priority to considering matters pertaining to their own GC. Should I consider matters concerning the Kowloon West constituency ahead of matters pertaining to the Hong Kong Island constituency? This is the political reality. Even Mr CHEUNG Man-kwong, the representative of the Education FC, will give priority to following up education issues. According to their priority, Members must face their own constituents, unless all seats will be open to be returned by GCs through direct elections in the future. Therefore, the 36 seats, or even all the 70 seats in the future ..... by then, Members will truly belong to one single large constituency. Members will no longer follow up matters in their respective constituencies or belong to different constituencies. In my opinion, it is better for us to put ourselves in each other's shoes to have a consensus reached in considering this issue.

Subsequently, the Government accepted this so-called District Council (DC) proposal. Frankly speaking, I am not quite willing to accept this proposal in terms of concept because, although the "one person, two votes" advocated in the proposal is similar in some ways with the "one person, two votes" proposed by us at that time, the only similarity between the two is actually only confined to the use of the same expression of "one person, two votes". The concept of "one person, two votes" proposed by us was sequential. For the first step, traditional FCs will be retained. Then, everyone is included as FC constituents. As for the next step, that is, the third step, the candidacy of FCs will be open. At that time, we even proposed a timetable, that is, to implement "one person, two votes" in 2016 and then implement "one person, 36 votes" in 2020. In this way, I believe the next step will be very close to the dual universal suffrage we all hope to achieve.

However, the present proposal is the DC proposal. Being a DC member myself, I have also considered the problems arising as a result of having six Legislative Council seats returned by DCs. If my prediction is correct, they will make up the most influential FC. Frankly speaking, I would occasionally discuss in this Council matters pertaining to the constituency to which I belong. I also think it is something good to bring district issues up to the Legislative Council level. However, if we bias towards any parties to allow them to become the most powerful FC, their influence will become enormous. It is because even in the current term of the Legislative Council, we can see that the voting result is very often decided by a margin of one or two votes. Hence, the concerns raised by Prof Patrick LAU are understandable. I agree that such concerns are present here. I hope the Legislative Council Members to be returned by DCs in the five major constituencies can act in a more detached manner. Although they may raise some district issues for discussion in the Legislative Council, they should detach themselves as far as possible and consider the interest of the territory as a whole, so as to ease public concerns about this one single large constituency for the DC election. Personally, I share these concerns, too.

Therefore, I would like to add that I do not find it a very good idea to divide Hong Kong into five major constituencies and adopt the approach of "one person, two votes". However, frankly speaking, in political reality, I have my own proposal, too. In fact, everyone considers their own proposal good. I consider my own proposal very practical. Moreover, it can take the circumstances and adaptation problems of FC constituents and candidates, as well as the adaptation problems of Hong Kong people together into consideration.

Nevertheless, my proposal has not been accepted. Such being the case, let us put this "one-person-two-votes" proposal into practice. This is what I have in mind. I think that everyone should take one step, and therefore I am willing to accept this proposal. I believe after we have accepted this proposal, the Government should have settled many problems. Why? When the DCs gain such an enormous power, the most direct and forefront views in the districts will definitely become the leading force. I think there is no need to further elaborate on this. Should Members fail to keep their DC seats, how can they possibly stand in the elections held in one single large constituency? Therefore, it is likely that more district issues pertaining to these six major constituencies will arise in the future. I think there is no need to further elaborate on this.

During the discussions, I also heard some views opining that after a balance was achieved, the development of the existing traditional FCs could be continued, and mutual resistance would be reduced. Even my proposal of "one person, two votes" caused strong reaction in the FCs at that time and was not acceptable to them, what will happen to their proposal of returning one Member from each of the five major DC constituencies by more than 3 million people? Now, everyone is making an effort to take forward this proposal. What will happen in the future? I know the reaction will be very strong.

In that case, what can be done to achieve a consensus? I think it is most desirable to identify a point right in the middle. In my view, insofar as politics, especially constitutional reform, is concerned, there is no guarantee that a 100% consensus can be reached even after 50 years' discussion. However, if we can take a step every three or five years and move forward step by step, I think Hong Kong can still open up a path of better quality of democracy. Please do not presume that all elected candidates are barely satisfactory. I do not think so. However, constituents need time. The entire community also needs time to face the new rules of the game.

With respect to this point, though not in theory, a single large constituency has its merit in that one Legislative Council Member is returned by 3 million people. This is actually a big step. Following this step, the system will definitely move forward because electors' understanding of election will grow through each time they vote. For instance, they may find that their preferred candidates will not be elected should they cast their votes in a certain way. They may be very confident that a certain candidate will definitely be elected and so, they vote for

another candidate because he or she is quite interesting. Unexpectedly, that quite interesting candidate is elected, thus turning the policy of the Legislative Council very weird. Through casting their votes, electors can gain such understanding. Moreover, they have to be responsible for the vote they cast. Whoever they vote for, that person will bring his own beliefs into this Council. Then it will affect whether this community will become radical or moderate; whether it will consider public interest; and whether it will balance the interest of all parties. Depending on the performance of different candidates and the political parties to which they belong, electors will make their own decision. As I mentioned yesterday, many political parties care about only one single issue. Therefore, we need to make electors understand that a community cannot possibly have only one single issue. Some Members discuss only one single issue all the time. When they talk about only one single issue all the time, we need to strike a balance, or else society will tilt to one side, which is very dangerous indeed.

Therefore, regarding this present proposal, I have proposed to the Secretary numerous times in the hope that FCs — not FCs, excuse me, but subsectors — can be broadened. In this regard, I have all along been facing the sectors I care about. I have made it clear today that the traditional FCs have overlooked several sectors, such as Chinese medicine practitioners, small and medium enterprises, ethnic minorities, green groups, young people, and so on. As for women, we actually brought them up as early as 2005. Perhaps if we can make some efforts in this respect, we may give everyone an opportunity to have his or her own FCs, given that there are a large number of women and young people. In this way, everyone will have his or her own FC. However, such a proposal has not been brought up so far. Actually, I very much hope to include members from these subsectors in the Election Committee to give them a sense of social recognition. Furthermore, I hope the electorate base can be expanded gradually so as to reduce the resistance encountered by these people. At the same time, the electorate base can also be gradually expanded.

During the Second Reading of the Bill yesterday, I happened not to press the button to cast my vote. Therefore, I have to express my views on the Legislative Council (Amendment) Bill 2010 today for the record. I also hope that when this "one-person-two-votes" proposal, that is, the five major DC proposal on a trial basis, reaches the next step, these different types of ..... I really have to make more publicity efforts. Actually, this "1+36" proposal is a fairly good interim measure. Members might as well conduct an opinion poll



among constituents and candidates of some FCs which are more willing to consider taking one more step and face universal suffrage. Some FCs might have been ready. In this way, we can move at a faster pace. Thank you, Chairman.

**MR RONNY TONG** (in Cantonese): I am very much concerned that today is already the third day of our debate, and so I will make my speech as brief as possible. Nevertheless, I still think that certain matters must be clarified in explicit terms.

Chairman, I have listened very attentively to the speeches delivered by a number of colleagues. Running the risk of being rude, I would say that I find most of their speeches a bit off the subject. Many functional constituency (FC) Members — excluding Dr Margaret NG who is sitting besides me — spoke mainly on their brilliant achievements and excellent performance, saying it was really unfair to smother them. However, I think this is absolutely not the focus of our debate in these few days. There were some good emperors in the 5 000-year history of China. But how many of them were like Emperor Wu of Han? What we are discussing now is a matter of the system and not a matter of the individual.

Actually, the greatest flaw of FCs is their lack of popular mandate, yet their powers are far greater than those of elected representatives in general. This is the only and major shortcoming of FCs. Just now, I listened very carefully to Mr Jeffrey LAM's speech, in which he mentioned that many democratic countries had FC representatives. I only wish to make a very brief response. As far as I know, none of the democratic countries in the world allows FCs to take up half of their parliamentary seats and have veto power. This I have never seen before. Perhaps Mr Jeffrey LAM will carry out some surveys later and then tell me that such a situation actually exists. Chairman .....

(Mr Jeffrey LAM raised his hand in indication)

**CHAIRMAN** (in Cantonese): Mr LAM, what is your question?

**MR JEFFREY LAM** (in Cantonese): Chairman, regarding Mr Ronny TONG .....

**CHAIRMAN** (in Cantonese): Mr LAM, Members may speak again during the Committee Stage. So you may respond again after Mr Ronny TONG finishes speaking.

**MR RONNY TONG** (in Cantonese): Chairman, I apologize to Mr Jeffrey LAM if I said something wrong. I did not mean that he had exactly made such remarks. But, in his speech just now, he cited some examples to illustrate that many democratic countries in the world had FC representatives. I only wish to respond to this point. I did not mean that he stated some FCs in the world had veto power.

Actually, what are the problems or features of FCs? First, both the right to nominate and the right to stand for election are confined to the sector. But most importantly, the right to vote is confined to the sector as well. Exactly because the right to vote is confined to the sector, however broad-minded and conscious of public interest are their elected representatives, their mind will still be overshadowed by the fact that they must please their constituents.

Some people can be very fair and impartial. They may not consider it a big deal even if they offend their own constituents, provided what they do is in public interest. Should there be any conflict between public interest and the interest of their constituents, they will even opt for public interest at the expense of the interest of their own constituents. Are there any such Members in this Council? Of course, there are a number of them in this Council, including the one who is sitting besides me. However, Chairman, this is not the answer ..... there may be plenty of such Members. I wish to reiterate that we are not discussing the integrity, achievement and even political inclination of individual Members. Chairman, I wish to say that human nature is very complex. Should one acts slightly indecisively at some critical junctures, he will very easily make up excuses for himself, saying the interest of his constituents has its own significance and the public interest will not be damaged to such a serious extent.

We can see this happen every day. I have also seen many such cases, whether at the discussion level of policy panels or during the deliberation of bills. Many people may assert eloquently that the interest of their sectors has actually not gone against the public interest, saying that we must take care of the interest of their sectors as well. Recently, Mr CHAN ..... Mr CHAN Kin-por from the Insurance FC — excuse me, sometimes, I even forget the name of my wife, and so please forgive me. *(Laughter)* Mr CHAN Kin-por once said to me, "My goodness!

I will really offend all my constituents over this topic. What should I do?" He was really in a dilemma.

Chairman, I think Mr CHAN Kin-por is relatively impartial. As he is able to point out the crux of the problem, he should certainly be aware of the contradiction. However, unlike Mr CHAN, some people may not be able to face the contradiction, even though they are aware of it. We are not talking about whether these people are suitable for assuming this post but the question: Is there any room for improvement in this system? If the electorate base can be broadened to cover all Hong Kong people, despite it is in the form of FCs, the major shortcoming I mentioned earlier can then be addressed properly. In the future, the Members concerned will have to face and be accountable to an electorate which is no longer constituents of certain trades or sectors, but all the Hong Kong people. The contradiction and the struggle of human instinct I mentioned earlier may no longer exist as well. Nonetheless, owing to the constraints on the right to nominate and the right to stand for election to a certain extent, this system is still not complete, perfect or compatible with the principle of democracy.

When we discuss the amendments on the so-called super District Council members, I will make further explanations if I consider it necessary to do so. At this stage, I only wish to point out that broadening the electorate base will only lead us towards the fulfilment of the principle of democracy. In the end, consideration should not be given solely from the perspective of broadening the electorate base if FCs are to be abolished. I believe Dr Margaret NG should be very clear about this, too.

I wish to say in passing here that Dr Margaret NG said yesterday that I had a lot of confused thoughts. I believe from the angle of Dr Margaret NG, this is the most tactful and moderate criticism. I would like to thank her for this because it is not her habit of being tactful when criticizing others. However, I must point out that I am definitely not a person with confused thoughts. Actually, my greatest weakness is my frantic pursuit of perfect logic and differentiation between right and wrong. I might as well muddle through without saying anything and sneak out stealthily so as to evade all the problems. However, I do not choose to act in this manner. On the contrary, I opt for this approach which makes life difficult for myself, or make life even more difficult for my fellow party members. Anyway, this is not the way to muddle things through.

I also agree entirely with Dr Margaret NG that we cannot put individuals above the masses. Chairman, I would not have participated in politics if I put personal interest above the interest of the masses. It is that simple. However, another weakness of mine is that I have never accepted doing something sensational to impress people, nor am I willing to do so. This is my weakness, which I accept. Let us come back to the issue of constitutional reform under discussion now. Judging from my angle of pursuing perfect logic, I find it difficult to accept the strong criticisms made by some colleagues against the Democratic Party or me over the super District Council member proposal, because this is a matter of double standard. Thank you, Chairman.

(Dr Margaret NG raised her hand in indication)

**CHAIRMAN** (in Cantonese): Dr NG, is it a point of order?

**DR MARGARET NG** (in Cantonese): Chairman, actually, I am not quite willing to rise to speak because I find the speeches delivered by colleagues are worth listening in many ways.

Nevertheless, Chairman, this set of amendments specially proposed by me is intended to replace corporate votes with individual votes. I wonder if Chairman will ask Members to focus their speeches more on the main theme. Our discussion now is not on whether FCs should be abolished. Instead, it is about whether the existing 13 FCs should abolish their corporate votes.

Thank you, Chairman.

**CHAIRMAN** (in Cantonese): Dr NG, thanks for your reminder. I am going to ask Members intending to speak to pay attention to the fact that we are now dealing with new clauses 5A and 5B proposed by Dr NG and, as explained by her just now, the new provisions concern the switching to individual votes in the composition of the 10-odd FCs. Members please focus their speeches on this main theme.

**MR ALAN LEONG** (in Cantonese): Chairman, I will speak in as much conformity as possible with the reminder instructions that you gave just now. Certainly, Chairman, you also understand that just because Dr Margaret NG proposed these amendments on behalf of the Civic Party does not imply we believe that truly universal and fair election will be achieved after these amendments are accepted. Given the limitation of the constitutional reform package passed last June, we just hope to contest every inch of ground by expanding or seeking more representation.

At this point of the debate, we also see that even for such a limited fight for every inch of ground, the answer received is "no, no, no" as usual. Under such circumstances, even if some of our colleagues — in particular, the fellow travellers on the road to democracy — consider that truly universal and fair election will be achieved some day provided that we take this step forward, that is, the super District Council Functional Constituency, I believe it is somehow and somewhat difficult in reality. I can only say, maybe in my language which is more moderate than Dr Margaret NG's, that I would think this is a kind of romance, an unrealistic one, but probably this time a closer look is necessary.

As regards the earlier speeches of the Members who opposed the amendments, I think there is a kind of arrogance. Such arrogance actually stems from an extreme form of elite mentality, which holds it necessary to retain these corporate votes rather than individual votes, because only these corporations know most clearly what is best for the industry, and that an expansion of the electorate base would only engage many people who are unable to base themselves on the long-term interests of the industry. This is a kind of arrogance with which one feels being the most elite, like no others, to decide for the best. Chairman, I think such a mindset is exactly what we should take heed against and hopefully be able to avoid as much as possible.

If we believe that the act of a government, or the exercise of political or public power, is intended for the greatest well-being of the people, then why should we believe that the decisions or judgments made by ourselves must be, as some of my colleagues said earlier, better than those of the people who are engaged after the electorate base is broadened? Why must ours be better than theirs? Taking the transport sector as an example, do people like bus drivers and taxi drivers definitely have less wisdom than the big bosses in the transport sector

and not know what is best for Hong Kong? This is a kind of arrogance prevailed in the many speeches that I just heard.

Anyway, I do not wish to spend time unnecessarily. I just want to say that even from the discussion sparked by Dr NG's amendments, we can already clearly note the romance and arrogance that I have just talked about. Perhaps in the subsequent debate, in connection with other amendments, we will have more opportunities for further discussion on how such unrealistic romance and such arrogance hinders the reform of Hong Kong's political system.

My present speech ends here. I so submit.

**MR WONG YUK-MAN** (in Cantonese): Chairman, the purpose of these amendments put forward by Dr Margaret NG is, in fact, to optimize the so-called functional constituencies (FCs), or even to improve the FCs. Some Members also mentioned that just now. I do not know the background of this mindset. I can only try to comprehend in this way. Since it is impossible to abolish FCs, it would be better to expand the electorate base which can be done at the stage of enactment of local legislation without contravening the Basic Law; if even this cannot be done, nothing more can be said.

On the other hand, this is the general trend. People of the FCs know the problem has nothing to do with them. It is a problem of the system. If the system is improved, it does not matter that it will be taken forward in a gradual and orderly manner. It will not work if it is completely abolished. We do not approach the issue from the perspective of individuals — who has done a good job, or who has not done a good job. There is really no need for us to discuss here the demerits of the system of FCs and the harm it has caused to democratic politics. We have no intention to belittle Members returned by FCs. All Members sitting in this Chamber are returned by election, only that they are returned by different systems of election so that there is a difference in their public mandate. There are even times when the quality of political deliberation of some Members returned by FCs is higher than those returned by direct election. Thus, it is meaningless to get entangled with this issue. I am just targeting that system only.

Some Members mentioned the "nine new FCs" and Chris PATTEN just now. Someone said that the "nine new FCs" package was a *de facto* direct

election. At that time, the package was welcomed by the pro-democracy camp with applause. I wrote in the newspaper editorial back then to resolutely oppose such a design of the "nine new FCs" as advocated by Chris PATTEN on the grounds that he had initiated the design purely from the perspective of political scheming. Have you really thought he would genuinely allow us to have democracy in a gradual and orderly manner? That was a design initiated by him from the perspective of political scheming. No subsequent action was taken. Buddy, there was neither a finishing line nor an ultimate plan. He "called it a day" just like that. The transition of the design was impossible. We can see what the situation was at that time. It was totally a consideration based on political scheming, but it was met with applause from those of the pro-democracy camp back then.

Talking about this incident, I cannot help but recall Ms Emily LAU's proposal on full direct election, which was "fixed" by her current party comrade, Mr Fred LI. How is it calculated? When we talk about it now, it is really like an old maid reminiscing the old days in the imperial palace. Ms Emily LAU put forward the proposal on full direct election. Buddy, exactly how many votes were short, "Hulk"? It was "fixed" by three Members, namely Fred LI, TIK Chi-yuen, and Zachary WONG from the Meeting Point back then. But now they have come together to support the constitutional reform package. "Hard bones" have got osteoporosis, right? This is it. Talking about politics, all of us here are not a green hand. Even though it has not been a long time since we joined the Legislative Council, we have been commenting on politics for over 30 years. We care about the political development in Hong Kong and take part in the so-called democratic movement. You are now taking poison to quench thirst. What is the use of doing so? In the end you will die of poisoning; only that you do not die instantly, because that may be a slow poison. Frankly speaking, since we are fundamentally opposed to this system, we will not support these amendments.

However, with respect to the intention of Dr Margaret NG, I will not say that she approaches the issue from the perspective of political scheming, which I brought up when I talked about Chris PATTEN just now. This is because they have approached the issue with a good intention. As the Government is not going to abolish FCs now, and is not telling us whether FCs will be totally abolished in 2020, at least some improvements should be made. This was

mentioned by many people in the past. What the Government is capable of doing is to enact local legislation. This is equivalent to abolishing the appointed seats in District Councils (DCs), which has nothing to do with Grandpa, right? Secretary, you are capable of abolishing the appointed seats. Regarding the number of the appointed seats, why does the number have to reach the ceiling of 20%? Can it not be 10%? Can it not be 5%? You did not do that in the past. You have not shown any sincerity. Then how can we trust you?

These amendments will be negated, right? Dr Margaret NG, this is certain. Of course, we cannot say that since an amendment will certainly be negated, we will not put it forward at all. It is good to have amendments put forward now as everyone is able to debate on the issue, and Members are able to speak many times on the amendments. Members in this Council, irrespective of whether they are FC Members or Members returned by geographical constituencies through direct elections, even some Members returned by direct election agree to the retention of FCs and wish that FCs will be there forever. We have heard these comments before. So we go through the process of systematic analysis and intense debate, and in the end, the public will judge for themselves. There is no thing calls the truth, right? The crux of the matter is the public will judge for themselves. What is the merit of retaining this system of FCs? What is the point of discussing the issue again now?

My speech will not deviate from the scope of these amendments; otherwise I will be subject to the ruling of the Chairman by which I will not be allowed to speak. Thus, I will no longer speak on the retention or otherwise of FCs. I will not elaborate on the concept of the retention or otherwise of FCs, or even the merits and demerits of FCs within the 15 minutes of my speaking time. We are not going to do that, so do not worry ..... however, we will target at these so-called amendments of replacing corporate votes with individual votes. If the Government has shown adequate sincerity or there will be an ultimate plan for the development of the constitutional reform by which FCs will be completely abolished, of course we will have to accept the amendments, right? Can the Government undertake to do that? It cannot. In that case, it will be relatively difficult for me to support these amendments put forward by Dr Margaret NG when we discuss this issue now, because in principle, we are opposed to the retention of this kind of system forever.



Sometimes, we do not necessarily base on the personal quality of a Member, or may be "his butt is directing his brain" ..... as a Member returned by FCs, of course he has to speak for his sector. What is wrong with speaking for the sector? Many people can speak for their sector. As our district office is open, people from various sectors come to seek assistance from us. When we do not know how to help them, we will ask friends from other sectors whether they are familiar with the situation. Sometimes we even ask friends from the FCs to help. This is because our offices in several districts are open to the public, and we have to handle several dozens of odd and thorny problems each day. We do not know how to handle certain problems. As Members returned by direct election, we need to ask friends from the business sector, the industrial sector, or the tourism sector to help, right? A member of the public said he was cheated into joining a tourist club. Recently a member of the public was cheated of \$500,000 in slimming up. I had to call a press conference for him as well as talk to that company. When we come across issues we do not know how to resolve, we will have to seek help from some professionals, or ask lawyers to provide us with legal consultation services. These circumstances do not imply that Members returned by direct election are not professional enough. They are very professional. We think it is a waste of time if we engage in argument over these issues. But as long as we are Legislative Council Members, we have to discharge the duties of a Legislative Council Member. Members of the public can see that we are serving with unswerving fealty and full dedication. However, if we do not rectify the flaw of the system itself, the development of democracy in Hong Kong will forever remain completely stagnant.

Many people always say that I cite the example of Taiwan. Why do I do so? Similar to Hong Kong, Taiwan's democratic development got started in the mid-1980s. Chairman, it was in 1985 that the FC election was introduced to the Legislative Council in Hong Kong. In 1986, the Democratic Progressive Party was established in Taiwan. Supplementary elections for additional representatives of public were held in the mid-1980s. It was called the supplementary election of central representatives of public. Chairman, all representatives of the Legislative Yuan and the National Assembly in Taiwan were elected during the Mainland era. When the Republic of China Government moved to Taiwan, they continued to discharge their duties. The source or the statutory basis of their authority came from the Temporary Provisions Effective During the Period of Communist Rebellion, which were provisions under the Constitution of the Republic of China, the nature of which was similar to our

Provisional Legislative Council back then; only that temporary provisions became permanent provisions. Buddy, they wanted to rule forever, so no term of office was specified for those representatives of the National Assembly or those Members of the Legislative Yuan. It was a lifelong term of office; that was why it was called the "Ten Thousand Year Parliament". Unfortunately, those people were called "old thieves". Do you understand? It was equivalent to the present FCs. Similarly, they were condemned and they refused to admit it. The situation is the same here. This is the political reality. Those "old thieves" just sat there. After the supplementary election of central representatives of public was held, those Members of the Legislative Yuan elected in Taiwan rushed forward to condemn the "old thieves". We can see that was what happened in Taiwan back then.

However, this system was revised in a gradual and orderly manner. Full direct election was implemented in the 1990s. The entire Legislative Yuan was returned by election on a "one-person-one-vote" basis. The "multiple seats, single vote" system of different constituencies adopted back then has been changed to the "single seat, single vote" system now; the "multiple seats, single vote" system of large constituencies has been changed to the "single seat, single vote" system now .....

**CHAIRMAN** (in Cantonese): Mr WONG, please come back to the content of these amendments.

**MR WONG YUK-MAN** (in Cantonese): ..... the development process of the two is the same.

**CHAIRMAN** (in Cantonese): Mr WONG, please come back to the content of these amendments.

**MR WONG YUK-MAN** (in Cantonese): ..... Taiwan started to implement full direct election in 1996; even the president has a vote. But we are still discussing when FCs will be abolished.

Based on this comparison, are we not all talking nonsense when we are still discussing these issues? Are we not all wasting our time? In the end, it is still Grandpa who makes the decision. All of us know only too well. Some colleagues who have a high esteem for political reality say, "Why do you say so much? Just follow the wish of Grandpa." We always have to consider Grandpa. This is the common mindset. At present, friends from the pro-democracy camp are also like that. To be is not equivalent to ought to be. This is the reality. If you wish to have something, you will have to accept the reality and face the reality; play the game with them in reality. If you refuse to face the reality and accept the reality, you will have to resort to struggles and protests. This is something which is certain, and you have to pay a price when you resort to struggles and protests. Now the pro-democracy camp says that street protests are no longer needed. Instead, what is needed is a quantitative change then a qualitative change, with a subsequent dilute approach. This is really talking nonsense. This argument is even worse than those who insist on not stepping down. This argument is even worse than those incumbent Members of FCs who insist on not stepping down. It is not that he himself will not step down; it is only that the system has not undergone any changes. Of course I will .....

**CHAIRMAN** (in Cantonese): Mr WONG, please come back to the content of these amendments.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I am sorry. You know that each time I express myself, I am quite weird. Each time I talk about these topics — just now quite a number of people were weird, too.

If the corporate votes of FCs ..... with respect to the content of the amendments put forward by the Civic Party, no amendments have been made to nine FCs because Members from those FCs are elected on a "one-person-one-vote" basis, such as the Legal FC, the Medical FC, and the Engineering FC. They can cast their votes. Apart from that, corporate votes are proposed to be replaced with individual votes for 13 FCs. It is really a difficult change. If it is tackled by the Government, it will certainly be addressed. But now we are putting forward the change and ask the Government

to address ..... you have to explain why it is difficult later. The Wholesale and Retail FC, the Textiles and Garment FC, the Import and Export FC, and the most interesting thing is, regarding the Sports, Performing arts, Culture and Publications FC — unfortunately "Brother Tim" is not present — once I asked Johnnie TO, "You are from the performing arts sector, have you voted for 'Ah Tim'?" He answered, "Yuk-man, no, I cannot cast a vote." Talking about this issue, I believe everyone understands the situation, but the Government insists that no changes should be made.

Secretary, please explain to us. Why can relaxation not be implemented in this regard? Can relaxation be implemented to one or two FCs? Can you explain to us? There is Mr David LI in the Finance FC. So of course it cannot do that. And there is the Real Estate and Construction FC ..... the most pathetic thing is, election is impossible in some FCs. For instance, the Tourism FC has to compete with other FCs for votes. How exciting! They can even mobilize those at the back. But election is not necessary in some FCs. Thus, it will not be good for the Legislative Council in the future.

Someone just mentioned those "super Legislative Council Members" will be most influential. Why is that so? Is it because if he has more votes, he will be more influential? It goes back to the original theory and admits that the representativeness of public opinion of Members returned by direct election is higher than that of FC Members. Thus, was a certain Member not — I do not wish to mention names — self-conflicting earlier? By 2012, the situation will really be bad. There will be Members elected with 200 000 or 300 000 votes, Members elected with tens of thousands votes, Members with a few votes, Members with zero votes, Members with 100-odd votes, and Members with several thousand votes. Are we playing the game of who has the highest votes? As long as the system is unchanged, we still have to play this game, right?

Thus, if it has to be implemented in a gradual and orderly manner, or take the option of what they call "path dependence" — I was puzzled when I heard this. You explain what you have done by calling it "path dependence". What kind of path have you depended on? This is a dead end. What is path dependence? In the end, the path you depend on is the one given to you by Grandpa. Right now, what path is there on which you can depend?

If all these votes are replaced with individual votes, and if the Government is willing to do so and undertakes that all FC seats will be totally abolished in 2020, it will be a different matter, and I will support Dr Margaret NG's amendments. However, it is impossible for this to happen. This is just empty talk.

Take a look at the FCs mentioned, particularly the four seats of the Commercial FC and the Industrial FC. Buddy, what is so difficult about replacing the corporate votes with director's votes? This scenario will happen any time because those who vote are different for every election. This is very interesting. It is possible for the same company to allow different people to vote. Even votes by proxy can be accepted. That is why frequent changes are found among the electors of this seat.

Chairman, with respect to Dr Margaret NG's amendments, as a matter of fact, this was the view expressed in the past by many moderate democrats, or people who wish that there will be a gradual and orderly progress for the constitutional development in Hong Kong as they do not contravene the Basic Law. It is often said that the Basic Law reigns supreme. The Basic Law has the supreme power. We must abide by the Basic Law and uphold the Basic Law. The political system can be opened up to a small extent under the framework of not contravening the Basic Law. However, the Government has refused to deal with it. There are only two issues: First, to expand the electorate base of FCs; second, to abolish the appointed DC seats. Both of them have nothing to do with the Basic Law. But the Government has insisted on not doing so.

**MR ALBERT CHAN** (in Cantonese): Chairman, concerning this system of functional constituencies, of course, I absolutely appreciate and am grateful to Dr Margaret NG for her good intentions. She has spent a great deal of time on proposing many meaningful amendments, both to the concept and the direction. However, first, as Mr WONG Yuk-man said earlier on, this system is by nature evil ..... I will use the words "original sin" to describe it. In the entire political system, it can be said that this system of functional constituencies carries an element of original sin.

There are many conflicts in Hong Kong society, blunders in government policies and policy objectives, and so on. Yesterday, Prof LAU Siu-kai, as the head of the Central Policy Unit, raised the issue of the breaking point. I think

this issue has occurred precisely because of the existence of this original sin and functional constituencies. For over a decade after the reunification, the votes cast by Members of functional constituencies in this legislature have always resulted in a minority having the say on everything. The amendments moved by many Members in various areas were negated as a result of the opposition from functional constituency Members, as will be the case of the amendments to be proposed by Dr Margaret NG later. In other words, because of a minority with vested interests in the legislature that is involved in the collusion between the Government and businesses and the transfer of interests, the majority representing public opinion is voted down, so are the aspirations of the majority of the public. This is the original sin of this political system, which causes the policy objectives to run counter to public opinion and deprives the public of exercising their right to make decisions on policies.

Regarding the political system, be it functional constituencies or direct elections of geographical constituencies, the most important and fundamental principle is to ensure that Members representing mainstream public opinion can receive support within the system through the system and election, so that the relevant aspirations and proposals can secure approval and recognition. However, the absurdity is that this system of functional constituencies, together with the split voting arrangement, have left public opinion in Hong Kong being constantly subjected to the manipulation of a minority in the legislature. For this reason, as Prof LAU Siu-kai said, on what role the Hong Kong Government should play in the future and what the future direction of Hong Kong should be, so long as functional constituencies are not abolished, this breaking point will surely continue to exist. To solve this problem of the breaking point, it is necessary to abolish functional constituencies and ensure that this legislature can reflect the views of the majority of the Hong Kong public.

In addition, the original sin of functional constituencies, Chairman, is that Members of functional constituencies will always have the interests of their functional constituencies as their ultimate consideration when voting. Therefore, each time I discussed any issue with Mr Abraham SHEK in the legislature, after I had spoken, he always opposed my views — although I know he supports me very much in his heart, and I thank him for that. However, when voting, he has to be accountable to the real estate sector, whereas I have to be accountable to the 2 million residents in New Territories West. New Territories West is a poor district and I have said a number of times that there are only two

property owners in Tin Shui Wai — one being the Cheung Kong Group — the good friend of Mr Abraham SHEK, that is, the boss at his back — and the other is the Housing Authority in the past, The Link at present. For this reason, even though Tin Shui Wai is so poor, the items sold in the markets and shopping centres there are particularly expensive and so is the rent. A shop selling bean curd in a market has to pay as much as some \$10,000 monthly but may I ask how many pieces of bean curd it has to sell before it can make \$10,000? However, this is the result of the blunders in the entire urban planning and the entire policy, with The Link adding to the misery in Tin Shui Wai, is this not? The Democratic Party has also betrayed the residents in Tin Shui Wai and public rental housing estates ..... each time I talk about the Democratic Party, Members in the Democratic Party are always nowhere to be seen in the Chamber. The Democratic Party has given its full support to The Link, perhaps because some Members of functional constituencies in the Democratic Party support The Link very much.

Chairman, this system of functional constituencies carries the original sin and this system is evil. So long as it exists, the evil in society will surely manipulate the formulation of policies by the Government. Since evil controls this system, how can this breaking point disappear? So long as the breaking point continues to exist, social contradictions, conflicts and hatred among social groups will certainly continue to exist. If you want to resolve such hatred, functional constituencies must be abolished. The proposals put forward by Dr Margaret NG are designed to undo the contradiction, sordidness and unfairness a little bit. Her original intention is that, since this system is sordid and evil to the utmost, it is hoped that slight improvements can be made but its evil nature remains. The Government surely will not accept her good intentions because it is controlled by Grandpa at the back, so it has no desire to make improvements and it also totally disregards the basic rights of the 7 million people in Hong Kong, does it not? Therefore, this is why I gave so many epithets to our Secretary for Constitutional and Mainland Affairs in the past — the President has ruled that those words used by me are offensive in nature and cannot be used any more — Members all understand what I am talking about. This is precisely a problem in the system *per se*. So long as this system is not changed, even if the amendments proposed by Dr Margaret NG are passed, they will only serve to hold the breaking point back a little but it will still be there.

Just now, Mr WONG Yuk-man cited the example of Taiwan. When we visited Taiwan in the 1980s, we found that the confrontation and hatred among social groups there were very strong. At the beginning, we went to Tainan to observe the elections there. We were the first group to observe the election in Taiwan and initially, we went to Tainan to observe the elections of the local council. A candidate visited a village there and when he was giving a speech, tens of thousands of people listened to him. Even though some people standing at the back could not hear him, all of them still watched. However, after two rounds of changes in the ruling party ..... of course, insofar as their political platforms and the development of the blue camp and green camp are concerned, there are indeed differences in their political orientation but the reactions, hatred and confrontation among local people are completely different from those some two decades ago. I remember that back then, when we were observing the election campaign for YEH Chu-lan, after watching her campaign video, we all shed tears. After watching it, we found the suppression and oppression by the Kuomintang of the indigenous people in Taiwan extremely unfair and we felt angry. However, if you look at the recent election publicity of the Democratic Progressive Party, the whole political message has made an about-turn. Sometimes, when you look at some of the publicity and the political platform of the Democratic Progressive Party, then look at the political publicity of some people in the Kuomintang, it seems the differences have become blurred .....

**CHAIRMAN** (in Cantonese): Mr CHAN, please come back to the situation in Hong Kong.

**MR ALBERT CHAN** (in Cantonese): Yes, Chairman. Chairman, I am only pointing out the differences between directly-elected seats and functional constituency seats. As regards the elections in Hong Kong, in particular, the elections of functional constituencies, more than a dozen seats were returned uncontested. Where in the world can you find a parliament or parliamentary assembly in which almost half of the seats of functional constituencies are returned uncontested? This proves that this system is almost completely under the manipulation of the Communist Party or the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region (Liaison Office). Chairman, when the system is subjected to manipulation, how can



public opinion be manifested? When public opinion cannot be manifested; when public opinion is controlled by groups with vested interests and the overlord; and when public opinion is oppressed and suppressed, this will surely lead to anger and reactions from the populace. This is very simple. Take the Tourism Functional Constituency as an example, front-line workers and the bosses of travel agencies are two different interest groups. If you let the bosses control the Tourism Functional Constituency, front-line workers will surely be unhappy with many policies of the Tourism Functional Constituency. If the Government and these bosses reach a certain agreement, 2 000 or 3 000 front-line workers may come out to stage a petition rally. This is also the case for the Real Estate and Construction Functional Constituency. If Mr Abraham SHEK has the say in this functional constituency, consortia will always get the benefits. How possibly can ordinary members of the public be benefited in any way?

Therefore, the whole system itself ..... I also have to say sorry to Dr Margaret NG. Although I perfectly understand that her amendments will make many fundamental improvements to the existing system and enhance the representativeness of functional constituencies, I believe all Members in the royalist camp will not give you their votes, will they? They may think that improvements will indeed be made, but first, you have affected their interests as some Members of functional constituencies may no longer be returned uncontested due to these amendments. They will then be forced to run in election and they may not get re-elected. Second, the great majority of functional constituencies are under the control of the overlord at the back. They have to see what the Liaison Office says, do they not? A couple of days ago, a Member also said that nowadays, the party in Western District dominates the party in Central District. Actually, they are not parties but overlords. One is the overlord in Western District and one is the overlord in Central District. The status of the overlord in Central District is gradually taking the backstage and now, it is the overlord in Western District that has all the say. So long as the overlord in Western District does not allow making any changes to the functional constituencies, no matter how meaningful an amendment is, it will surely be negated by the royalist camp one-sidedly.

Therefore, I predict that just like the other amendments proposed by Dr Margaret NG to the Chief Executive Election (Amendment) Bill in the last couple

of days, these amendments proposed by her will continue to be negated. However, here, I also warn the Government that ..... I have given warnings here a number of times but they did not heed them. In fact, in the past few years, I have continually raised the problems of wealth disparity and poverty in the legislature and have also pointed out the unfairness under the functional constituency system, the bias of functional constituencies and the skew of government policies, which lead to social conflicts.

It looks as though Prof LAU Siu-kai was now repeating what I have said over the past few years and he asked what should be done. Of course, changing the policies is important but changing the system is even more important. If the system does not change and only fine-tunings are made to the policies by making some revisions ..... perhaps on a certain day, the Government may suddenly be more astute and can understand some problems; perhaps on a certain day, the pressure coming from consortia eases, it can then take one step forward. I clearly remember that back then, Dominic WONG proposed a blue bill on the sale of properties. The Government even drafted a blue bill with a view to enacting legislation to regulate the sale of properties. However, as soon as consortia "released their energy", the blue bill vanished into their air. In no time, a decade has passed since this incident. This precisely reflects the bias of the entire system. This is not just the work of Members in one or two functional constituencies but the bias of the entire system. The continued existence of functional constituencies will perpetrate the bias of this system because there are many invisible forces at their back or some workings that we cannot see. Back then, Antony LEUNG liked to play golf with the bosses of some consortia and maybe he made more decisions on the golf course than he did at Lower Albert Road.

Therefore, concerning the amendments to functional constituencies, on behalf of the People Power, Mr WONG Yuk-man and I will not cast any vote. Although Ms Audrey EU indicated her wish just now that we could stay in the Chamber and vote, but even if we vote, we will still abstain. We are grateful in our hearts to Dr Margaret NG for her amendments and agree that her amendments have merits. However, since this is an evil system, we cannot support amendments that will put make-up on an evil system. For this reason, as the two representatives from the People Power, we will not vote on these amendments.

**CHAIRMAN** (in Cantonese): Mr Andrew CHENG, this is going to be the second time that you speak.

**MR ANDREW CHENG** (in Cantonese): Chairman, I would like to respond to a few points that several colleagues raised on my speech, because indeed I did not clearly state in my first speech why I supported Dr Margaret NG's amendments while objecting to perfecting the representatives of District Councils.

I support Dr Margaret NG's amendments because I have a conviction behind it. I believe that the Civic Party would also support the timetable for universal suffrage. This is my conviction. Last year, when I was still a member of the Democratic Party, I said that I had compromised on this issue. I said at the time that it was unacceptable if the Government wanted to perfect the functional constituencies (FCs) but did not have a timetable. So, if Members have paid attention to it, this is how "CHEUNG's Three Points" emerged. We requested, among others, a timetable — a timetable for full universal suffrage — without which it is impossible to achieve the truly complete abolition of FCs and move towards direct election through the enactment of local legislation and the perfection of FCs. This is one of the three requests. So, I believe that this is the case with Dr Margaret NG and the Civic Party.

Mr Paul TSE alleged that I rationalized the FCs. I think, to a certain extent, the advantage of shifting corporate votes to individual votes in the FCs, over the direct abolition of traditional FCs, is to achieve the diluting effect and reduce the controversiality of the procedures. As such, I was also convinced inside the Democratic Party at the time to agree to perfecting the FCs, but with the bottom line being having a timetable, and this is the so-called compromise. Therefore, I said at the time that I had also compromised, or else I would have continued to support the total abolition of FC seats in 2012, but as I knew it would not be achievable, I accepted this option. Mr Paul TSE said that we should face the reality, but is it feasible in practice? Furthermore, only with a special pretext can we cause mutational changes in the future political culture, and abolish FCs.

I understand that Hong Kong has a unique culture. I believe other places have their unique cultures and unique foundations as well. We have "one country, two systems" in Hong Kong. However, our most important reference is the Basic Law, Chairman, right? Article 68 of the Basic Law stipulates that the ultimate aim is the election of all the Members of the Legislative Council by universal suffrage. Certainly, many resolutions made by the National People's Congress have sparked the long debate on what is meant by universal suffrage. So, it is preferable to specify more clearly the definition of universal suffrage. Universal suffrage as defined by all of us has been transformed from the initial one constituted by an opportunity to abolish FCs and conduct full direct election to the present one, still considered as universal suffrage, with a FC consisting of super District Council representatives. Excuse me, such an arrangement is really unacceptable to me. This is not the universal suffrage as I understand it. This subject has also been debated for many years, Chairman.

Then, Mr Paul TSE said that three quarters of the people would exercise influence, and political figures would probably account for only one quarter — I know he will speak again later. I think he needs further understanding and elaboration — Honourable colleagues here, the system of representative government in fact represents Hong Kong. Well, he said that there was controversy among us about whether FCs represented all the people of Hong Kong. As I said earlier, I joined the Legislative Council in 1995 as a new FC Member representing the financing, insurance, real estate and business services sectors. The fundamental intent of the "nine new FCs" was to divide into nine groups those people who were not eligible to vote in geographical direct elections. Certainly, it referred to the working people. Housewives were like social ..... yes, housewives had no voting rights. This was also discussed at the time. Overall speaking, the working people could cast one more vote. As such, some similar FCs were grouped together so that everyone could vote. It is a bit fairer this way.

However, to be honest, the first subject I wanted to raise after joining this Council was the setting of standard working hours, which is actually a territory-wide concern. If you ask me whether there is a common political platform for the financing, insurance, real estate and business services sectors, it is simply very difficult to achieve. At that time, there might even be conflicts of interest between real estate agents and lawyers.

**CHAIRMAN** (in Cantonese): Mr CHENG, this is the second time you speak. Please refrain from repeating what you have said.

**MR ANDREW CHENG** (in Cantonese): Yes, it is because I wanted to respond to Members' earlier speeches. Thank you for reminding me.

So, I wish to explain, in relation to Mr Paul TSE's viewpoint, that I did not rationalize the FCs. I have just compromised once again. Even though there is no dual universal suffrage in 2012, I hope that our upcoming election would be closer to an election by genuine universal suffrage. Only in this way can it be acceptable to me.

As regards Dr Priscilla LEUNG's speech, Chairman, I wish to make a point. She mentioned that we should consider the feelings of those colleagues returned by FCs. As they had worked hard for years, it was inappropriate to tell them to leave just like that. Chairman, I find this idea rather weird. Although the FC seats belong to these Members, as representatives in the constitutional structure, these seats do not belong to them as individuals, but rather the electoral system in the constitutional structure. They have indeed served as Members for a long time, but so have many of us. Chairman, I do not want to leave either. I have made much contribution. It is pitiful to lose the election. Please do not ask me to go. This is not what the case should be. So, I hope that those who object to "perfecting the FCs" would not see the FCs ..... we are not targeting the individual but the system.

As regards Mr Ronny TONG's confused thoughts ..... Mr Ronny TONG is indeed very honest, because very few people have the courage to openly admit that they have even forgotten their wife's name. He is quite honest. He not only has his confused thoughts, but is also a very admirable man.

However, hopefully starting from today, he will not forget his wife's name again. Judging from his words, I think that the controversy within the Civic Party over the so-called super District Council representatives hinges on their degree of compromise. Today, the votes cast by Members present here will, in fact, show their different degree of compromise.

Chairman, I hope that our Honourable colleagues ..... in particular, the last speaker, Mr Frederick FUNG, who also opposes the amendments, has put forward a point of view. He thinks the best way to increase the number of seats returned by geographical constituencies through direct elections is the adoption of the diluting approach. I agree very much to this point.

Therefore, Chairman, at first I wanted to propose an amendment, but as it was out of scope, I could not successfully put it forward. I cannot do anything about it. I personally consider that increasing the number of constituencies in the geographical direct elections to create more seats, so as to slowly dilute the proportion of FCs, is indeed also an option. Although the means is different, the direction is in fact the same. We all hope that this Council can consistently and comprehensively become a parliamentary assembly based on both the local and territory-wide interests, so as to address the current deep-rooted conflicts in this Council. I hope that decisions will be made in this direction.

Chairman, thank you for allowing me to speak again. I hope that Honourable colleagues will support my views, and I will continue to support these amendments. Thank you.

**MS AUDREY EU** (in Cantonese): Chairman, this time we are going to discuss Dr Margaret NG's amendments to replace the corporate votes with individual votes of working persons in the 13 functional constituencies (FCs). Chairman, later on, I will see how many FC Members vote against these amendments and write down their names. Chairman, I do so because if I am so lucky to have another chance to debate with Donald TSANG or the Chief Executive, or explain to the general public on television the deficiencies of FCs, I can say, "Look! FC Members voted against the Civic Party's amendments to replace the FC corporate votes with individual votes. So, how can you count on this Council?"

Chairman, I also wish to ask Mr Andrew CHENG not to feel worried. Just now, in response to Mr Paul TSE, he tried to explain whether or not contradictions existed. I would like to advise Mr Andrew CHENG not to worry how he should respond to Mr Paul TSE, because the latter's reasoning is usually beyond the understanding of an ordinary man, including Mr Andrew CHENG and I.

The newly created five FC seats, the so-called super District Council (DC) members, did not exist in the first place. They were newly created and are not in line with the direction of universal suffrage, we therefore oppose them. However, Dr Margaret NG's amendments do not aim to create new FCs, but only to rectify the existing problem by replacing the present corporate votes of 13 FCs with individual votes. Why would these amendments self-contradictory? We are not creating something bad, but simply to make something bad better. Perhaps someone may say that this should not be done, just as Mr Frederick FUNG has said, "Leave it alone! Let it get worse and not to beautify it. This is because if I tell the kaifongs that the elected person only obtained 100-odd votes, they will easily understand where the problem is. However, if the elected person obtained as many as tens of thousands of votes after the beautification of the system, kaifongs who cannot figure out why may think that the votes obtained by those super DC members even exceeded those of Frederick FUNG." Did you hear Mr Frederick FUNG giving such an explanation earlier on?

If you have also listened to what Members from the League of Social Democrats — Sorry, not anymore, but Mr WONG Yuk-man and Mr Albert CHAN — said, you may notice that they also do not support Dr Margaret NG's amendments for the same reason. They said that FC were something bad and no one should touch them, but let them stay put. Nonetheless, at least, Mr Albert CHAN and Mr WONG Yuk-man do not support the creation of an additional five super DC FC seats. Thus, to a certain extent, you cannot say that they are self-contradictory merely because they do not support Dr Margaret NG this time. They have all along stuck to their stand and opposed the system right at start. For Mr Frederick FUNG, he is so incomprehensible, right? He said that he could not explain to the kaifongs why the number of votes obtained by Members from those 13 traditional FCs would jump from 100-odd to a few 100 000, which even exceeded that obtained by him. He would thus find it very difficult to explain to the kaifongs the deficiencies of the FC system. Chairman, however, he then indicated his support to the creation of super DC seats. In other words, some tens of thousands of people would support these newly created super DC FC seats in future. I feel puzzled. I wonder how Mr Frederick FUNG would explain to the kaifongs in Sham Shui Po, his constituency in the future about the necessity for the abolition of FCs. This is called self-contradiction. Thus, Mr Andrew CHENG needs not worry. We can easily explain to the kaifongs why we have to support Dr Margaret NG's amendments to replace certain corporate votes with individual votes.

I would like to express my grave disappointment to, in particular, Ms Miriam LAU of the Liberal Party, though she is not present at the meeting now. She always states in a high-profile fashion how many electors and supporters she has, as well as how eager she is to improve FCs, to change corporate votes into individual votes and to expand her electorate base. Also, she always complains that it is very miserable for her to bear the original sin and her electorate base is so narrow. However, Chairman, when she has a chance to cast a vote, she will cast an opposing vote instead.

Chairman, it is meaningless to continue with the discussion as the votes speak for themselves. When she is given a chance to demonstrate that she is consistent in her words and deeds, she refuses to cast a vote. Thus, when Ms Miriam LAU repeats this same old tune in future, I call on Members to refer to her voting decision today and ask her why she refuses to support these amendments, which aim to expand the electorate base of the existing FCs by changing corporate votes into individual votes.

I also wish to respond to Mr Paul TSE. I think that he has wronged Dr Margaret NG by accusing her of "working behind closed doors". Although Dr Margaret NG always "closes the door" and does a lot of work, I can assure you that she has worked but not behind closed doors, and her work is always justified. You can therefore have full confidence in her in this regard. Regarding the series of questions raised by you, such as why the beauty and tourist industries are related, and why a certain constituency is included but not the other. You may refer again to Dr Margaret NG's amendments. By including working persons into these FCs, she has actually changed corporate votes into individual votes of practitioners. For working persons, she means persons engaged in economic activities for remuneration, which certainly include employees, employers, partners, sole proprietors, directors of companies and self-employed persons. The definition of economic activities given by her is also justified. "Economic activities" is defined as activities in connection with the provision of services undertaken by different establishments classified under 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). Relevant information will be published by the SAR Government on a regular basis. Therefore, the working persons mentioned by Dr Margaret NG are actually derived from the economic data on practitioners



published by the Government. No matter how capable Dr Margaret NG is, she cannot create something from nothing. So, Mr Paul TSE, you may rest assured.

Chairman, I will now turn to the remark made by Prof LAU Siu-kai yesterday, which has been widely reported this morning. As we all know, Prof LAU Siu-kai belongs to the Central Policy Unit, which can be said to be the "brain" of the SAR Government. He is supposed to decide on its policy directions and objectives. But guess what did he say to the reporters? Chairman, I have written down what he said. He said, "With the presence of grievances, minor issues will easily be developed into major ones, thereby leading to mass discontent. In fact, Hong Kong has probably reached the breaking point. What is Hong Kong's way forward? What role should the Government play? There should be extensive discussion in society so as to come up with an appropriate objective for the development of Hong Kong." Chairman, I believe his remark does hold water. I wonder if Chairman and Members may recall an article published by Prof LAU Siu-kai last year, which pointed out that Hong Kong was "trapped in a helpless and frustrated city". He also cited the findings of some opinion polls conducted by The Chinese University of Hong Kong, which pointed out that social discontent has mounted and social conflicts of various kinds have intensified.

Chairman, Prof Michael DEGOLYER, Director of Hong Kong Transition Project at Hong Kong Baptist University, has also carried out some surveys. He has particularly found that public opinion has undergone significant changes before and after the high-speed rail funding incident. After the relevant funding was approved, he found that young people, including the "post-80s", and some relatively elder males — I remember very clearly that this was what he told us at that time — were enraged. The surveys conducted at that time also asked the respondents if they would act radically in the course of protests. The findings were worrying. He thought that an alarm was sounded.

The remark made by Prof LAU Siu-kai yesterday is, I believe, triggered by the findings of the ongoing opinion polls conducted by the Central Policy Unit. He saw that social discontent and conflicts have intensified. Members may also recall that Premier WEN Jiabao twice relayed to our Chief Executive the deep-rooted conflicts in society. Thus, Chairman, this is a fact which exists objectively. I remember that when we had an adjournment debate two days ago, we said time and again that this Council had set a bad example to children. I think that Members should face squarely to a major problem currently exists in Hong

Kong society. Chairman, you should remember that when I talked about the current constitutional system and political situation yesterday, I said that the entire system had reached a dead end or deadlock, and it must be broken.

When Mr Andrew CHENG delivered his speech for the first time this morning, he mentioned the term "dead end". I wonder if he heard I mentioning this term yesterday, or we both share the same feeling. I opine that Hong Kong people should give a serious thought to it because even Prof LAU of the Central Policy Unit, the "brain" of the Government, admitted in public that we reached the breaking point and lost our direction, and discussion was necessary. What does this illustrate? Breaking point is a scientific term, meaning a state on the verge of an explosion or a state when an explosion can be easily set off. We may not feel panic if our "brain" knows what should be done to deal with an imminent explosion. However, members of the public were informed by our "brain" that he had no objective in mind and discussion was necessary. While it is reported that this is his personal view but not the Government's, as a Member of this Council and a member of the public, I find the situation pretty worrying.

Chairman, why would I think that the situation is relevant to our discussion topic today? While we are accusing the FC system of injustice, some people say that any revision is impossible due to the framework set by the National People's Congress. What is more, it is so unfortunate that some democrats say that we have to put up with this system for two more terms and, among others, is Mr Frederick FUNG. This morning, he said that we had to put up with the system for two more terms. I really want to ask: How much time can Hong Kong still afford to waste? Even if we put up with the system for two more terms, it does not mean that the system will disappear by then. Rather, it will continue to exist. The purpose of making local legislation this time is to add one more FC, and beautify it with the word "super". What is more, the heads of political parties and groupings will run in the election. This newly created FC is superb. In response, we have made some revisions to the system to remove some of its injustices. At present, FCs still account for one half of the Legislative Council seats and the 30 traditional FCs also remain unchanged. The Civic Party has worked very hard on the revisions, but what is the result we get in this Council? They fail to be passed in the end. Chairman, how can the deep-rooted conflicts be resolved?

Yesterday, I pointed out in my speech that this is a dead end. I still remember Mr LEUNG Kwok-hung describing the situation as "a blind man riding on a blind horse at the verge of a deep pool in the middle of the night". After hearing Prof LAU Siu-kai's remark, it reminds me of another analogy. The situation is like a car without a driver. What will happen? When the "brain" or policy-maker of the Government told the public that it had lost the direction and did not know what to do apart from inviting discussions, has this not reminded me of the words "leading to car crash and deaths" given by Henry TANG to the "post-80s"?

Throughout our development, Hong Kong people have been very proud of our excellent performances in various aspects. Then, why would the "brain" of our Government come out to say that he does not know what to do? Why would this happen? What is our way forward? Chairman, I very much agree with what Mr Albert CHAN said earlier on. He stated that we should start with the system. This has nothing to do with how well an individual or a particular FC performs. Just now, Mr Jeffrey LAM crowed about the efforts made by him. Dr LAM Tai-fai also said that he had done a lot of work. Mr CHAN Kin-por and Mr Paul CHAN also trumpeted their good understanding of their trades and their contributions. This is nonetheless not the point. We should discuss how our extremely unfair political system would deter aspiring people from serving the community, or deprive us of having a candidate to run in the Chief Executive election and explain to the general public his political platform, which will probably include the reinstatement of the Home Ownership Scheme and the financial investment to be placed on the improvement of air quality and the provision of free education. Since this candidate is welcomed by the public and supported by them through their votes, he can therefore implement budgets and policy addresses in accordance with his political platform. Why is such a system absent in Hong Kong? None of us is challenging the "one country" principle, but can we be allowed to implement our own system? Thank you, Chairman.

**CHAIRMAN** (in Cantonese): Mr Paul TSE, you are speaking for the second time.

**MR PAUL TSE** (in Cantonese): Chairman, as I am speaking for the second time, I would like to state right at the beginning that, in fact, I have pointed out time and again in this Council that we should expeditiously review the composition of the

existing functional constituencies (FCs). The purpose is to make FC elections on a par with other elections by enhancing their representativeness and minimizing the possibility of manipulation. This has all along been my established view. I can therefore state frankly and sternly to Ms Audrey EU that I will vote against the amendments later on. I vote against them not because of my wish to preserve this seat for myself, but simply because the present amendments are made behind closed doors, regardless of whether "a car" or "a cake" is being made. These amendments are nothing but a deduction from theories without taking into consideration the uniqueness, representativeness, composition or historical background of various trades. They are deduced from the so-called logically reasoning and principles. This is not politics. Rather, it is something only teachers would do.

Ms Audrey EU criticized that my reasoning was incomprehensible. While my viewpoints are often unique, I hope that she can further elucidate her accusation so that I can make a clear response. Accusations that are groundless or unjustified are difficult to respond to. This is all I can say.

I once criticized the Civic Party for "gaining double benefits but still chiding". I do have grounds. The amendments proposed by them this time is a good example. It precisely demonstrates that they will continue to criticize the FCs on the one hand, but do things that run counter to their principles on the other. Be it the Chief Executive election or the coming new super FC election, they will again "gain double benefits but still chide".

Chairman, there are many reasons behind an opposition to a proposal. Both Mr WONG Yuk-man and Mr Albert CHAN have stated their reasons for opposition earlier on. Some people raise opposition not necessarily because they have to, in concept, protect the so-called evil FC system and make it last forever. Thus, it will be too naïve to say that a witch mirror should be used to reflect the genuine intention of these people. I am not surprised if this is said by an ordinary citizen, but it is inconceivable if it is said by someone who has chaired a large political party before and is a superb senior counsel.

Chairman, we may discuss FCs from a number of perspectives. I am afraid that many colleagues have focused too much on the election methodology, or adopted a humane approach by stressing the strenuous efforts made by colleagues. Such views are at a relatively low level. I am certainly not saying they are wrong. I just hope that they can escalate the discussion of FCs to a higher level.

Take Mr WONG Yuk-man as an example. He is a veteran political commentator. He said he had 30 years of experience, whereas I have less than three. So, I hope that Prof WONG would correct me if I make any mistakes. However, when he corrects me, I hope that he will ..... Given that Prof WONG is very well-versed with the political situation of Taiwan and China, I hope that he can expound on the development of western democracies so as to broaden our outlook. Turning to politics, undeniably, I believe many Hong Kong people are curious about the political development of the western world, especially the United Kingdom and the United States, and the merits and demerits of their political systems. On the contrary, they have expressed serious doubts about the politics of Taiwan. An example which I have previously quoted is, for soccer, people easily associate it with the British Premier League, whereas for basketball, they will associate it with the American NBA. It is rare that anyone would think of the European Union or other substandard national soccer leagues where bribery is prevalent.

Chairman, I am returning to the main theme. I am fully aware of the efforts made by Dr Margaret NG in preparing the amendments. Yet, given the uniqueness of each trade, to deduce the representativeness — I must stress the term "representativeness", which is the key to any elections in a representative government — of members of a particular trade purely from the statistics provided by the Government — I am afraid it is unlikely to truly identify the representativeness of the trade just by some loose theories. I have no intention at all of interfering in any trade as Members from different sectors should have a better understanding of the representativeness of their respective trades. Mr Albert CHAN, if I do not understand wrongly, has been a member of the Panel on Economic Development. He is even a member of the Panel now. And yet, comparatively speaking, it seems that he does not have a very good understanding of the tourist industry, either because of a lack of time or some other engagements.

Let me cite another example. Mr Albert CHAN said that there were conflicts between the owners and tourist guides of travel agencies within the tourist industry, which is certainly true. But I wonder if Members notice that I was a supporter of front-line workers in a recent rally, simply because there are too many injustices in the tourist industry which must be rectified. While there are conflicts between the owners and front-line workers of travel agencies, they do have many things in common. However, this is not the most important point. The most important point is how we can identify the representativeness of each trade. I am afraid that one must have a sound understanding, knowledge and experiences of a trade, and even communication with them before one can learn what their

concerns are and where their representativeness lies. One should not speak for only a particular sector at every voting or debate. Mr WONG Yuk-man is so frank as to say that he would always seek advice from his friends when he encountered problems relating to the tourist and financial sectors. This is the point. Is second-hand information better than first-hand information or direct participation? This is the first question.

The second point is, Dr Priscilla LEUNG and Mr Albert CHAN, who represent Kowloon West and New Territories West respectively, admitted earlier that they would always place the interests of their respective constituency above any others in the face of a problem. We must not forget that District Councils have often been accused of attaching too much importance to the interest of their own district or a couple of buildings, but neglecting the needs of society as a whole. Offensive trades such as funeral-related business, and arrangements and benefits relating to mental patients, have often attracted heated debates among District Council members. After all, this is the "not in my own backyard" attitude.

This is understandable. While everyone is bound to have his own objective inclination, he has to be accountable to his electors. District Council members may only be held accountable to a smaller number of electors. However, we must not forget that District Council members can relay their concerns to the Legislative Council Members in their respective constituencies. District Council members can be the "stakes" of Legislative Council Members. Hence, the affairs and even conflicts within the District Council can be indirectly reflected on the Legislative Council Members of that district. Thus, in case a certain issue arouses serious controversy in all the five constituencies in Hong Kong, some Members would probably place their focus, not to mention interests, on their own constituencies. This is understandable.

Although Members are concerned about their respective constituencies, it does not mean that they should practice favouritism. Expressing concern and practicing favouritism are two different matters. More importantly, there is a so-called check-and-balance system in this Council, under which no Member from a certain constituency or sector should monopolize the Council's decision. The decision should be made by the Council as a whole. In other words, a Member would only focus his attention on a certain area of concern. Dr Margaret NG, for instance, will express concern on the legal sector as she is particularly good at dealing with legal papers and legal reforms, and even the formulation of motions.

This is where her focus lies. Anyone who only focuses on one aspect will probably devote more time on it, thereby achieving greater efficiency. This is all too natural. Yet, this does not mean that Members would definitely favour the constituencies or sectors which they represent, and thus gives rise to distorted results for motions proposed in this Council. The reason is that we have a check-and-balance system.

In a nutshell, bias does exist in FCs. What kind of bias is it? It is probably a kind of thinking that is relatively conservative and prefers stability. Or, it represents how the professional, industrial or business sectors, which have made great contributions to society over the years, look at the prevailing social condition. Actually, such bias exists in all societies and democratic countries. It serves as a check and balance, and is indeed a brake system used to stop the car. When I spoke for the first time, I have already described the systems being adopted by different countries. I am not going to repeat that.

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

Hong Kong is a pretty special society. Under the principle of "one country, two systems", we have been at a transitional stage where exploration is frequently undertaken. Under the current "brake system" being temporarily adopted, District Council members account for half of the seats. This serves as a brake and it is as simple as this. We should not accuse the system of being monopolistic or unjust as all systems are unjust to a certain extent. Why is the royal family system still preserved in the United Kingdom? Is this fair? Why should there be nobles? Is this fair? Why should there be the electoral college in the election of the President of the United States? Is this fair? Is it fair for some 500 people to elect the President? There is certainly unfairness. Yet, all we need is to focus on the most important way forward, like looking at the Northern Star, which is whether the currently adopted system has representativeness; whether it will possibly be manipulated. While the representativeness of the system should be enhanced by all means, the possibility of manipulation should be minimized by all means. There are different ways of achieving this goal, and the procedures and approaches adopted by different countries will therefore vary.

Let me cite an example. Unlike the making of a hydrogen bomb, we can say one plus one equals two, three, four or five. Politics is not science. Science is not interesting at all. Politics is interesting in that no yardstick has been set, and it varies from place to place. Taiwan, China, Indonesia, Japan and even countries all over the world are different, and there is no copycat.

Hong Kong has its unique experience which nowhere else has. It is true that we are in a doldrum. At this transitional stage, we are at a lost in the midst of restructuring and exploration. What is more, our background has brought us many difficulties. And yet, Hong Kong people are smart. We did not spend much energy, time and effort on politics in the past, because it was not there from our childhood to adulthood. This is the woe of Hong Kong people and the woe of people brought up in a colony .....

Having said that, Hong Kong people have very strong learning ability and it is hoped that with time ..... I have been a Member for more than two years. I hope that I can learn something more from Prof WONG Yuk-man and read more about his expositions. Members may not know that I am actually a loyal listener of his night radio programme. I will be thankful to him if his criticisms on me are true, but if they are not, I will bear his words in mind and then find some time to discuss with him.

Deputy Chairman, we discussed the Chief Executive's affiliation yesterday, that is, whether or not he should have any political background. One of the main reasons why we have expressed reservation is that party politics in Hong Kong is not mature. Different political parties represent different sectors or professions. The Civic Party is comprised mainly of barristers or professionals, and its members always use the word "elite". Although they do not admit that they are elites, it is actually the most elite party. Also, it has promoted elitism either directly or indirectly.

I am not going to talk about the issue of introducing so many changes but will illustrate this with an example. We once proposed that, after 1997, barristers should not wear wigs as it was a colonial practice. Also, it was proposed that the term "daai6 leot6 si1"<sup>1</sup> (meaning barrister) should be abolished as there was no

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<sup>1</sup> "Daai leot si" is the transliteration of "大律師" in Cantonese. The character "daai" is the transliteration of "大", meaning "big" whereas "leot si" is the transliteration of "律師", meaning "lawyer".



reason why barristers were considered "big". These changes were made purely on historical grounds. However, the barristers strongly resisted to such changes, though so minor, and struggled very hard against them. How can they accept so many changes? This is an example to illustrate that changes should be made in a gradual and orderly manner as everyone is carrying some historical burdens. By the time they are willing to accept all these changes by giving up the name "大律師" and their wigs, FCs should have disappeared. *(Laughter)*

Deputy Chairman, I am afraid that I am running out of time again and will not be able to finish what I intend to say. If we look at the amendment relating to the tourism industry alone, it can be seen that there is a lack of understanding about the representativeness of the tourism sector. I wish to stress again that I personally welcome an enhancement in the representativeness of various sectors. Similarly, I also welcome an enhancement in the representativeness of the legal sector, so that all clerks, "legal executives" and secretaries can represent the legal sector to run in the election. If changes have to be made, I think that not only the sectors mentioned in the amendments should experience changes, but also the legal sector, so as to enable more people to run in the election of the legal sector. By so doing, it is not espousing one thing but acting otherwise, or "gaining double benefits but still chiding". Instead, it is acting genuinely for their ideals. I hope that representatives of the Civic Party will consider and take heed of this advice. I will speak again if possible.

Thank you, Deputy Chairman.

**DEPUTY CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you are speaking for the second time.

**MR WONG YUK-MAN** (in Cantonese): Just now outside the Chamber, a colleague told me not to speak any more because he had a ball game tomorrow. I am afraid he has to cancel his plan.

I am speaking for the second time. I am not filibustering. I really have something to say. You know very well sometimes I can "stray far to the sea" when I speak, but the President will bring me back to the topic. However, sometimes the President is very accommodating to us. For instance, Paul

deviated from the issue under discussion just now, but he did not bring him back to the topic. Of course, I am not saying that we should follow the example of Paul.

I wished to put forward a viewpoint earlier. Some people think that if we want to abolish functional constituencies (FCs), we have to join FCs first, expand the public mandate of FCs; then we will have the chance to eliminate FCs. I think this kind of fallacy ..... I must repeat, this is a fallacy. Mr CHEUNG Man-kwong has said that before. Several years ago, someone from the Civic Party seemed to have said that, too. They believe that by expanding the electorate base of FCs, more democrats will join in, then they will be able to veto the formation of FCs by a two-third majority. This is really indulging in vain hopes. Today, the rationale of the Democratic Party in supporting the constitutional reform package is just the same. The Democratic Party puts forward the improved package of the District Council, expanding the public mandate of these five seats as there will be 3.2 million electors. It believes that there will be a chance to abolish FCs in the future. I think this is a ridiculous argument.

Just now I said I would not speculate about Dr Margaret NG's motive in putting forward these amendments. I do not believe Dr Margaret NG is thinking in this way. She is only approaching the issue from the perspective of making an improvement. She has no choice but to do that. And her request is very humble. She is hoping that if it can be done by the Government; if it can be done by enacting local legislation, then the electorate base of FCs can be expanded at the level of local legislation. Dr Margaret NG is approaching the issue purely from this angle.

I said just now that Chris PATTEN initiated the "nine new FCs" purely from the perspective of political scheming. I think it is different from Dr Margaret NG's amendments. Of course, I hope that my judgment is correct. But the question is, some people indeed have the ridiculous thought I mentioned just now, and are defending their actions vehemently. Dr Margaret NG's amendments exactly give an opportunity to those who defend their actions vehemently to continue expressing the view that if you want to eliminate FCs, you have to join FCs and expand the electorate base of FCs; then you will have the chance to eliminate FCs. I absolutely cannot accept this kind of argument.

What is the only way to abolish FCs? It can only be done by the introduction of a bill by the Government and the passage of the bill by a two-third majority in the Legislative Council. But how can we secure a two-third majority? Can it be achieved by expanding the electorate base of the FCs and allowing the FC seats to be elected by a "one-person-one-vote" method with a view to securing a two-third majority for the abolition of the FCs? We know it is impossible to do that.

As long as Beijing does not give up intervening in the political development in Hong Kong, it is impossible for this to take place. Do you think the Chief Executive elected in 2012 will be able to introduce this bill? It is impossible. He has to act according to the current so-called roadmap. The Chief Executive will be elected by 1 200 people in 2012. It is only subsequent to this that the Chief Executive will be elected by universal suffrage in 2017. But what is the composition of the nominating committee? Until now, it has not been announced. QIAO Xiaoyang said that the existing Election Committee for the Chief Executive could not be compared to the future nominating committee. Some friends in the pro-democracy camp are very naïve, believing that there will be a smooth transition from an expanded Election Committee into the nominating committee, which they think will ensure the "admission ticket" for the pro-democracy camp. Let me tell you now, Grandpa will not be that stupid. He knows that once you have the "admission ticket", when the Chief Executive is elected by universal suffrage for the first time, the chance of the elected Chief Executive coming from the pro-democracy camp is as certain as 1 000%. Frankly speaking, the people of Hong Kong will at least try this once, irrespective of whether it is going to be successful or not. If Hong Kong people can enjoy the right to universal suffrage, and no selection criteria are in place for the nominating committee, what will happen? I can tell you that it is 1 000% certain that the elected Chief Executive will come from the pro-democracy camp. This is because people want a complete change. As for whether Hong Kong will run into trouble after such a change, let us worry when the time comes. The situation is like that. Thus, when it comes to this crucial issue, Grandpa will not relax the selection criteria for the nominating committee. This is the political reality which is obvious and clear.

All these minor details ..... some people think we are wasting our efforts when we talk about principles all the time. But when we forget about principles,

we do not have the ability to negotiate with people about minor details. In that case, can you tell me what we are going to talk about if we do not talk about principles? What is the value of our existence?

I do not wish to respond to Paul's speech. But he mentioned me a number of times. Let me tell you why I talk about Taiwan. It is because the time and space for democratic development in Taiwan is the same as those in Hong Kong. And people in both Hong Kong and Taiwan are Chinese.

XU Fuguan, a political commentator in the past, wrote an article on democracy before. The article is about democracy in the Orient. It is called "The Melancholy of the Orient". The title has conveyed a clear message — the Orient, or the developing countries in the Orient, countries of the third world, or democratic countries in the Asian Region, all of them are facing limitations and experiencing melancholy. Democracy in the West can be classified into two categories. The political system of the United Kingdom and the United States is the result of being grown. The democratic political system of the European continent is the result of being made. One is being grown and the other is being made.

The United States founded its country on the spirit of Christ and the spirit of religion, that is, the so-called spirit of "In God We Trust". The entire constitutional system is built on the distrust of men. Power must be checked and balanced. The House of Representatives and the Senate must stand against each other. Why does the United States implement the double-track election in which the president is returned by election and the Congress is also returned by election? This is different from the system in the United Kingdom in which the parliamentary election includes the election for the government and the government is formed by the party with the majority of parliamentary members. Thus, these are two different systems. However, the nature of the two systems is the same. So why do I often compare the system of Taiwan or the Mainland to that of Hong Kong? The reason is that the leaders of our Motherland always say, "We will not follow the example of democratic politics in the West. (*Putonghua*)" Frankly speaking, we do not have to follow the example of any political system. However, though there can be different forms of democracy, the essence of democracy is always the same.

If we only implement reforms on minor details but wish to achieve the goal of eliminating FCs — I also wish to abolish FCs, but it is impossible to do so

through this method and means. I do not agree to what "Ah Kee" said, because looking from another angle, what he advocates will only result in FCs being retained forever. It may do harm despite its good intention. Thus, as a matter of principle, we cannot support these amendments. Someone may say it is certain that these amendments will not be passed, so it is no harm supporting them. I cannot do that. If I do that, it will be difficult for me to be accountable for what I have said before. Thus, I hope that Dr NG will pardon me. We must state our principle.

The issue is precisely that I have all along opposed FCs. I have always hoped that this Council will be formed by one electoral method only. I discussed the function or representativeness of FCs when I first spoke just now. It is meaningless to argue about that again. It is also meaningless to discuss individual FC Members. I know that times have changed. Back then some people were condemned as "old thieves". But we have not belittled his personality or what he has done, just because he is an FC Member. We should not do that. This is not the way a representative of public opinion should behave. We should only target at the system.

Thus, I have to specially ask: Is there actually a chance to make two-third of the Members in this Council accept the abolition of FCs? This is very difficult to achieve. After taking a look at the existing design of the constitutional system, and a further look at the constitutional reform package of 2012 passed already, as well as the handling of the enactment of local legislation now, I can say, "It is already too late, there is no time at all.*(Putonghua)*" I believe we will have to wait till 2020. Furthermore, will anyone dare to guarantee to me that in implementing the electoral method for the Legislative Council election in 2016, there will be a chance of reducing the number of FCs in a gradual and orderly manner? No one can give me this guarantee. This is because in accordance with the current constitutional reform package, the ratio of the two categories of Legislative Council Members in 2016 will remain unchanged. After 2016, the ratio will again remain unchanged in 2020.

(Mr Ronny TONG interrupted)

**MR WONG YUK-MAN** (in Cantonese): Can the ratio be changed? Another decision can be made by the National People's Congress (NPC). Mr Ronny TONG, you are really ..... I think you are really .....

(Mr Ronny TONG interrupted again)

**MR WONG YUK-MAN** (in Cantonese): You are really ..... not the end of the world .....

**DEPUTY CHAIRMAN** (in Cantonese): Mr WONG, please face the Chairman when you speak.

**MR WONG YUK-MAN** (in Cantonese): ..... There is no necessary connection between this and the end of the world. I really must refute this. Sorry, barrister. As a matter of fact, in 2004, we could never imagine that the Basic Law would be interpreted by the NPC, and that Annex I and Annex II of the Basic Law would be amended. In our opinion, they amended instead of interpreting the Basic Law. Annex I and Annex II were ..... particularly in Annex II, they added the provision stipulating that the ratio of the composition of the Legislative Council should remain unchanged, and the split voting system should continue. At that time you could also say that it was not the end of the world as changes could be made.

Back then we thought that the interpretation of the Basic Law by the NPC was an isolated incident. However, in 2007, the Standing Committee of the NPC (NPCSC) made a decision again. Probably they knew that the previous interpretation of the Basic Law by the NPC was problematic, so they adopted the method of having the decision made by the NPCSC. The NPCSC's decision also has the same constitutional effect. The decision made by the NPCSC at the end of 2007 also demanded that the ration of the composition structure of the Legislative Council should remain unchanged, and that the split voting system should also continue. Since the ratio remains unchanged in 2012, well, after 2012, why can there not be a chance of another decision made by the NPC stipulating the ratio shall remain unchanged in 2016? What is the necessary

connection between this and the end of the world? Is this comparison not irrelevant? There is a possibility. This has happened twice before.

Before the interpretation of the Basic Law by the NPC in 2004, we could never imagine that the ratio of the composition structure of the Legislative Council would remain unchanged. We thought there would be a gradual and orderly progress. We all know that for the first term, there were 20 seats returned by direct elections, 10 seats returned by the Election Committee, and 30 seats returned by FCs. For the second term, there were 24 seats returned by direct elections; four seats less returned by the Election Committee with six seats remaining; and 30 seats returned by FCs. In the following term, with the six seats returned by the Election Committee abolished, there were 30 seats returned by FCs and 30 seats returned by direct elections. It was at this stage of the development that the interpretation of the Basic Law by the NPC was made.

If there was no interpretation of the Basic Law by the NPC, we predicted that there would have been 40 seats returned by direct elections, and 20 seats returned by FCs. In the following term, there would have been 50 seats returned by direct elections, and 10 seats returned by FCs. Then in the following term, finally no more seats would have been returned by FCs. Would it not have been like this? Would my understanding not have been right? In the end I was totally wrong. It was because there was the interpretation of the Basic Law, and after the interpretation of the Basic Law came the decision by the NPC. After all — Mr TONG — we really do not have any say. This is the crux of the matter.

We also have to assess the current development of the situation. Some people, including those "big brothers" of the Democratic Party, are over optimistic in this regard. They are talking about the current Jasmine Revolution, saying that the people's power is terrific to the extent that the Mainland has to seek self-perfection. It is possible that the Communist Party has to implement internal reforms to its system one day. By the time conditions are ripe, success will come to Hong Kong. They are really dreaming, right? If they want to wait, let them wait patiently. They can wait with patience every day and hope for a complete change. I think this is impractical. If they say that we are being impractical in giving this kind of comments, then in thinking like that, they are even more impractical. They are actually saying it does not matter because

when we take a look at its economic development, we will know that the situation in the Mainland is changing.

NGAI Hong is a man of wisdom. He has made a comment before. He said that if people based on the current economic development and protection of private property in the Mainland to assume that with economic freedom, there would be democratic freedom, they were only dreaming. I can tell you, the more developed the economy, the interests of the privileged classes will be more protected, and the chance of developing democracy will be all the more difficult. In the Mainland, they want to nip the "jasmine revolution" in the bud. People can use the internet to discuss it, but no matter in which city, for instance, someone say that they will show up outside McDonald's at the Wanfujing Square in Beijing tomorrow, even without bringing jasmines along, it will be impossible for them to gather in the place. If five persons show up, they will find 50 public security guards there. These people will be completely hamstrung.

There is another reason why the "jasmine revolution" will never succeed. I can tell you, at least there is a system in place for the tenure of the current leaders in the Mainland, that is, 10 years all together for two terms of office, which is different from the practice in the time of DENG Xiaoping and MAO Zedong. The sole proprietorship in the past has turned into the limited company at present. The one-man autocracy in the past has turned into the oligarchy at present. Thus, comparatively speaking, the present situation is more stable.

Second, a strong opposition force is absent in the Mainland. Let us look at the countries where the Jasmine Revolution currently takes place, all of them have the presence of an opposition camp.

Third, basically the so-called social elites in the Mainland, including people with doctorate degrees, professors and academics, have been absorbed into the political system upon coming back to China after finishing their studies in foreign countries. Many people are really ignorant of the situation of the Mainland. I can tell you, I browse the internet every day to read about the relevant information.

Fourth, members of the Mainland's "Crown Prince Party" are dispersed in various strata and enterprises. Given the myriad relationship among these



members and the nine Standing Committee members of the Political Bureau, not one of them can be penalized. Thus, we can see that the "scholar-officials" are immune from penalty. Whenever something happens involving the nine Standing Committee members of the Political Bureau, it can never be touched. Kaifongs can talk about what Mrs WEN Jiabao is doing, or whoever is doing. It is allowed as long as it stays at the level of rumour. But these nine persons must remain intact as they affect the stability of the regime. Thus, I have to tell you, nothing can be done about it.

**DEPUTY CHAIRMAN** (in Cantonese): Mr WONG, please come back to the electorate base of the FCs.

**MR WONG YUK-MAN** (in Cantonese): I said just now that some people were impractical. They think that we can ask the Government to introduce local legislation first and expand the electorate base of the FCs. Subsequent to this, we will be able to eliminate all FCs because those returned by election will have public mandate, and these Members will certainly vote to support the abolition of FCs. I think this is wishful thinking. If joining the FCs will be able to eliminate the FCs, it follows that if you hate the Communist Party, why do you not join the Communist Party and then eliminate the Communist Party? Something is wrong with this kind of logic.

There is another point. These people say that on one hand, we can anticipate a complete change in Mainland China; on the other hand, we can make preparations, because opportunities are retained for those who are prepared. They believe if we are well prepared with all support initiatives, when a complete change really takes place, we will have democracy as a matter of course. This is another kind of wishful thinking. Deputy Chairman, please do not blame me for taking the subject to somewhere far away. As a matter of fact, there is a necessary connection between the two. Thank you, Deputy Chairman.

**DR PAN PEY-CHYOU** (in Cantonese): Deputy Chairman, just now I heard a number of Members mentioning "Grandpa". What exactly is "Grandpa" referred to? Are there "Granddad", "Grandma" or "Grandmum"? I think we should consider what we can do in accordance with the "one-country, two systems"

principle. A number of Members who spoke just now inevitably discussed the retention or otherwise of functional constituencies (FCs). Given that the majority of Members have mentioned the relevant reasons, I have no intention of spending too much time on discussing this issue.

I only wish to say that, at present, we have an objective. According to the Basic Law, we also have a timetable. Within a certain period of time, the Chief Executive and the Legislative Council Members of Hong Kong will be elected by universal suffrage. The election by universal suffrage will basically comply with the internationally accepted standards. At present, there is only one issue under heated argument in the community. The Council has also been debating this issue this morning, and that is, whether FCs should continue to exist. In my opinion, before this issue can be resolved, it seems meaningless to discuss how FCs should be handled, or how FC Members should be returned in the imminent 2012 election, or how changes should be made.

I will explain the relevant reason. With respect to FCs ..... I can only express my personal opinion. As a matter of fact, there are various views of FCs, be it complimentary or depreciatory, among members of the public. As an FC Member, I am of the view that FCs have, indeed, been able to play a useful role in the Council. FC Members have inevitably brought the knowledge, views, and even the interests of their sectors into the Council. This exactly is the role played by the Council. The Council should allow various strata, organizations, and ethnic groups in society to express their views and aspirations. In enacting legislation or scrutinizing the Budget, or expressing views on the policies of the Government, our ultimate wish is to reflect the inclination of various strata and ethnic groups as much as possible. Thus, I do not think FCs carry original sin.

For instance, among Members of the FCs, Mr Abraham SHEK puts forward the views of the construction sector, while Mr David LI puts forward the views of the banking sector. I am of the view that this is absolutely what they should do. And at the voting, they will consider the interests of their own sector. This is also what they should do. However, some people think that in the Council ..... if the calculation is based on the number of people, though their respective sector or organization probably constitutes a small proportion in the entire society, they have a representative in the Council. Is such a proportion too large? This has led to another question: Is there fairness in society?

As a Member representing the labour sector, I have often pointed out that there are a wide disparity between the rich and the poor and a great discrepancy in the allocation of resources in the community of Hong Kong at present. Many people share these views. However, this situation is not found in Hong Kong only. We can see that such a discrepancy exists in almost every country and society throughout the world. I am of the view that this reflects a reality. Even in countries such as Britain and the United States which we often refer to, they may have the developed democratic system which has been copied and followed by other countries in the world, but they have the same problem of uneven allocation of resources. However, those who have enormous resources in these countries, that is, the rich or the more powerful, exert influence on the operation of the political system through other channels. Comparatively speaking, on the surface, the Council in Hong Kong may not seem so satisfactory, but we do avoid the problem found in some western countries, that is, to exert influence on election and the operation of political organizations and political parties by means of money. Thus, I think our system is not too bad after all. I do not wish to discuss this issue here again. What I have said only represents my own personal view.

Let us take a look at a broader perspective, when dual universal suffrage is implemented in the future, will the existing FCs disappear or continue to exist? At present, we do not have a clear idea. If they disappear, the matter will be very simple. By that time, we will not have FCs. If they continue to exist, that will lead to the second question. How will the FC seats be returned? Will they be returned by a method in keeping with universal suffrage? This is the second question. However, in my opinion, when the first question is yet resolved, but we try to change the system without due consideration, the logic of this trend of thought does not hold water.

Let me illustrate my view with several simple examples in our daily life. For instance, I have a car. The body of the car is rusted, and the bumper is also dented. If I decide to abandon the car soon, will I spend a lot of money on repairing this car before abandoning it? I believe many people have faced similar problems before. Another example is that I have rented a shop for business operation. After a few years, the rent is too expensive and it is impossible to carry on the business operation. Under these circumstances, if I

find some tables a bit old and some display windows scratched but still usable, will I spend a substantial amount of money on refurbishing the shop extravagantly? This is a matter of common sense.

Let me cite another example. I have a flat. I intend to sell the flat as the property prices are high now. Will I redecorate the flat at this particular time and then sell it? Some people will really do that. This is usually because something is wrong with the flat, such as water seepage or other problems. Those people want to cover up these problems by beautifying works, so that the flat may fetch a good price. However, this is not a normal practice.

What I wish to say is that when we have not clearly considered whether something should be retained or otherwise, and the entire community has not formally reached a consensus or made a decision, but we demand to change the system, I think this seems quite illogical. It would be better for us to muster our energy and wait until full discussions are held in society, or more debates and explorations on FCs are carried out in society before we further consider the issue. As Mr Ronny TONG said just now, there is still some time between now and 2020 when the Legislative Council is formed by full universal suffrage. We can make use of the time to carry out more discussions, explorations and researches. When society reaches a mainstream consensus, we will then consider how to make transitional arrangements. This is what I wish to say.

**PROF PATRICK LAU** (in Cantonese): Deputy Chairman, concerning this session, the Chairman reminded us that what was being discussed or debated were the amendments proposed by Dr Margaret NG to this Bill, which are concerned with making changes to the composition of many functional constituencies. This is the subject matter of our discussion today and Dr Margaret NG also once rose to say that she hoped Members would focus on discussing these amendments. One very important point is that all of us understand we have already passed the constitutional reform package and the Bill being discussed by us now is related to how the constitutional reform package should be implemented. This is my understanding. It is all too common to find Members using a topic as an excuse for voicing other views in the legislature. This does not matter. But I wish to say that I will apply myself to examining how these amendments will change the Bill

before deciding whether or not to give them my support. I think this is the most important thing.

I find some of the contents of these amendments a little bit strange. Maybe I have no knowledge of other functional constituencies but I am certainly very familiar with the composition of the Real Estate and Construction Functional Constituency. Deputy Chairman, you are surely also very familiar with the composition of the Transport Functional Constituency and later on, I will also ask you to enlighten me. I have looked carefully at her amendments. The Real Estate and Construction Functional Constituency is ..... the existing provisions are deleted and instead, "is composed of the working persons of the major industry groups below — " is added, with the items as many as going from (a) to (j). Her amendment says, "(a) 411(Erection of architectural superstructures)". At first glance, this gave me a start as I do not know what "411" refers to. Does it refer to 411 people? This does not seem to be the case but I do not understand. I then looked at what kind of people are included in "Erection of architectural superstructures". Are all workers included? Are all levellers included? Does it cover all working persons? What people does it actually refer to? I do not understand what this amendment covers. Most importantly, does it include all the employees of a construction company? This is very important. In the course of erecting architectural superstructure, a lot of people are involved, so this point is really difficult to understand. Does "412(Structural steel framework erection)" refer to steel production? In Tuen Mun, there are many workers involved in the manufacture of iron or steel, so are they included? I do not understand either. Also, with regard to "other new building construction works", "civil engineering projects" and "miscellaneous civil engineering work", our industry covers a wide array of jobs, so why not put all working persons in the Labour Functional Constituency? This is really incomprehensible. In addition, does "Real estate activities on a fee or contract basis" include employees in real estate companies? Does it include their bosses? In other words, does it include people whom Mr Albert CHAN talks about very often and on whom he has the strongest views? I do not understand this point, so perhaps Dr NG can explain clearly later.

Just like Mr Ronny TONG, I feel puzzled and do not know what to do. I hope very much that her amendments can be passed because I believe and agree that the number of people or the scope of people covered by functional

constituencies should be expanded because there are a lot of people in our industry. However, how should the lines be drawn? This is really very difficult to understand. Deputy Chairman, why are postal activities and courier activities included in the Transport Functional Constituency you belong to? I do not know if they have ever got in touch with you. Many Honourable colleagues say that some people in functional constituencies want to protect their own interests. As an architect, I hope Members will understand the term "architect". Very often, the term "architect" is all-encompassing, for example, DENG Xiao-ping is Hong Kong's ..... not Hong Kong's but rather, China's modern architect. What sort of people does it actually include? If we put it this way, of course, functional constituencies should include all members of the public. I believe we should not discuss this issue here. I also understand that the Chairman and Dr Margaret NG both do not want us to discuss or debate the retention or abolition of functional constituencies here. Although I am not very sure, I think it should be like this.

If Members hold such a view, I wish to know where do Hong Kong's core values lie. We can say that there is no democracy in Hong Kong and we all know that democracy is being introduced in Hong Kong. I also wish very much to see the introduction of democracy in Hong Kong but I wish to say that I appreciate the freedom in Hong Kong very much. Just now, Mr WONG Yuk-man cited many reasons for not supporting these amendments. He also talked about the progress in politics in Taiwan. However, under the democratic politics in Taiwan, why is a former President now in jail? I feel very puzzled and lost. This is incomprehensible. I believe in democracy but I appreciate the freedom in Hong Kong even more.

Let us look at what the Secretary has given us. We have already approved the introduction of five new District Council seats. In fact, I have some differing views on this. Are District Councils functional constituencies? We have also discussed this and I know that the Deputy Chairman also has some differing views about this. However, there is nothing we can do because we have already passed the package. I hope that later on, the Secretary can explain briefly if all people in Hong Kong will have the opportunity to choose freely. Can members of the public choose not to vote for someone in these functional constituencies but some other persons and each member of the Hong Kong public still has two votes? If this is the case, I will surely give my support because the most important thing is that a lot of people are asking us why some people have

privileges in election. Some people have one vote while others have as many as three votes. I really do not quite understand. If there is an equitable mode of election, I will surely support it.

Therefore, I have studied the amendments proposed by Dr Margaret NG very carefully and have even asked people in the Tourism Functional Constituency about it. Dr Margaret NG mentioned "Short term accommodation activities", "Travel agency activities", "Activities of amusement parks and theme parks" and "tourist-related activities". Are all these activities included? I really am not very clear about this. If she wants us to support her amendments, she has to spend some time explaining to each sector why their functional constituencies are made up of working persons involved in such activities. In this regard, I have many doubts, so I cannot support her amendments. Instead, I think the most important thing is to give Hong Kong people the opportunity to choose freely and let them choose Members they consider suitable. Thank you, Deputy Chairman.

**MR PAUL CHAN** (in Cantonese): Deputy Chairman, I originally have no intention to speak because I hate repeating viewpoints which I have already stated. However, after listening to the debate, there is something that makes me very uncomfortable if I do not speak out.

Deputy Chairman, when this Council had a debate last year on the method for forming the Legislative Council, I said that the sector I represented, just like this Council, had divergent views on the retention or abolition of functional constituencies (FCs). At that time, I said "We should not let the present controversy from impeding the rolling forward of the constitutional system. This is because we still have two terms, which is a total of eight years, to prepare for the implementation of universal suffrage. Furthermore, taking one step backwards, if we have strong views on the existing traditional FCs for their representing Members enjoy political privilege, will a rejection of the present package merely give them extended privilege? Who suffer most then?" This is what I said at that time.

Deputy Chairman, being a Member of the Accounting FC, I have stated time and again in debates on the constitutional reform package that the existing traditional FCs do not comply with the principle of universality and equality.

However, we must not forget that this is only a transitional arrangement and there is a historical background to its existence. To be fair, traditional FCs have also made contribution to Hong Kong. When Hong Kong fully implements universal suffrage; when party politics in Hong Kong becomes mature; when political parties can absorb different talents to discuss various policies in this Chamber, catering for the interests and needs of people from all walks of life, then FCs can be abolished at one go.

Regarding the electorate base of traditional FCs, I have also indicated my wish for its expansion by the authorities through the enactment of local legislation, with a view to expediting the quality change of FC Members.

Today, Dr Margaret NG proposes to abolish corporate votes and corporate nominations in a number of FC elections, and replace them with the votes and nominations of directors of the company or those of all practitioners in the FCs concerned, which is the so-called "nine new FCs" proposal. Deputy Chairman, although I just said that it was my wish to have the electorate base of traditional FCs broadened through the enactment of local legislation, the amendments proposed by Dr NG today have targeted 18 FCs: the agriculture and fisheries FC, insurance FC, transport FC, labour FC, real estate and construction FC, tourism FC, commercial (first) FC, commercial (second) FC, industrial (first) FC, industrial (second) FC, financial FC, financial services FC, import and export FC, textiles and garment FC, wholesale and retail FC, information technology FC, catering FC, as well as sports, performing arts, culture and publications FC.

She has amended the electorate base and eligibility for nomination of these FCs by simply abolishing corporate votes and nominations. Yet, has she consulted any of these 18 FCs before making this proposal? Is this an ideal approach? I agree very much with what Mr Paul TSE and Prof Patrick LAU said earlier. There are still ambiguities in these amendments. Furthermore, taking one step backwards, there are divergent views within individual FCs as to how the electorate base should be expanded. As we are all representatives in the legislature, is it appropriate for us to simply endorse Dr NG's amendments on electorate base and eligibility for nomination in a broad-brush manner? Will we miss out anything? I have doubt about it. What is more, is the "nine new FCs" proposal the only way to effect a quality change in traditional FCs?



Whenever a policy or a piece of legislation is deliberated in this Council, it is necessary for us to take into account various views so that more comprehensive and thorough consideration can be given. However, how far have we listened to the views of the relevant FCs on these amendments? Exactly what are their views?

Deputy Chairman, just now a Member said in a threatening tone that she would write down the names of those Members who voted against these amendments today so that she would tell people these Members opposed the abolition of corporate votes in the future. Deputy Chairman, I consider this way of saying things pretty unfair. In today's debate, Members with different political stances have stated their views on these amendments and the reasons behind their voting intention. In my opinion, when a proposal is raised and put to vote here, but it has not undergone adequate consultation and discussion — I dare not say a consensus should be forged, which is impossible in many cases — but at least, there should be consultation and discussion to enable us to get some relatively mainstream views. Otherwise, we are simply imposing our views on other people, and whoever does not agree will be vilified. Should we be doing this? Deputy Chairman, in so doing, is it hegemony in the name of democracy? I personally consider such an attitude very disappointing, which will impede the process of making the greatest compromise by genuinely putting aside preconceived ideas.

I so submit, Deputy Chairman.

**MR ANDREW LEUNG** (in Cantonese): Deputy Chairman, just like Mr Paul CHAN, I originally have no intention to speak. I have listened to many speeches made yesterday and today, and the sins of functional constituencies (FCs) spelt out by many Members. Fortunately, FC Members have also stated our grounds. Some said there was original sin in FCs; some described them as "a deformed foetus"; some accused them of impeding the political development, which has led to the present stagnant condition. I do not agree to these comments. According to the Basic Law, the legality of the existence of FCs should not be challenged.

Prof WONG gave a very clear account earlier and some contents in his speech were very explicit. To introduce changes to FCs, it can be initiated by the Government, but a consensus is actually necessary. After a consensus is reached, the work can be done step by step.

According to Mr Paul CHAN, we still have eight years' time. If we continue to engage in endless arguments and struggles in these eight years; if we insist to be the perfectionist like Mr Ronny TONG and allow no grey between black and white — after all, politics is the art of compromise — if we fail to make a compromise this time, how can we take the first step and proceed to the present stage of the enactment of local legislation? Of course, not all the 60 Members support the proposal, but at least two-thirds of them do. That is why we have now reached the final step of the "five-step mechanism". However, if we continue to stand firm on our own opinions, we will find ourselves standing at the same place in the following eight years without making a single step forward.

Mr Alan LEONG is a romantic. It is good to be romantic. Who does not love to be romantic? However, the livelihood of the people of Hong Kong looks for pragmatic rather than romantic quality. What we see now is the fruit of Members' efforts made step by step under the principle of mutual understanding and accommodation. Certainly, some Members did compromise by turning five seats into District Council (DC) seats. Deputy Chairman, even you have indicated that the proposal was not quite acceptable to you. And yet, does it mean that one should stick to his own stand when he finds something unacceptable? The answer is no. It is because we have to take this step forward for the interests of Hong Kong and our constitutional system.

Since my colleagues have mentioned the work done by FCs, there is no need for me to repeat them one by one. If I do so, some people will accuse us of trumpeting our achievements. This is actually not the case. In fact, we are working for the public at large. Members from various FCs include professionals and employers (which only account for a small percentage). Members from the professional sector, labour sector, education sector, and so on, are all working for their own sector ..... not just for their own sector, but also for the interests of Hong Kong. Does Mr CHEUNG Man-kwong fight for the remuneration of teachers alone? Has he not made any contribution to education? Does the labour sector merely work for the interests of labour but not for Hong Kong as a whole? Even Dr Margaret NG, who has so much input into the amendments this time, has been an FC Member since she was elected in 1995. If FCs carry original sin, she is a saint who redeems us from original sin. Is it possible?

Therefore, we hope that Members can stay cool and work for the next step for the political development of Hong Kong. The Chairman has practised

tolerance this time. I think the Deputy Chairman will also do so if we are saying something irrelevant to the present amendments. I must nonetheless bring out the major issues before going to the minor ones. Deputy Chairman, I will not exhaust the 15-minute speaking time.

Last week, I had a chat with a former leader of the Guangdong Province. He said that thanks to our FC for relaying the issue of upgrading and restructuring, he pursued with the Central Authorities the implementation of the relevant policies in conjunction with the Guangdong Province, thereby achieving the present results. Therefore, we are outspoken not only in Hong Kong, but also in our Country and the Guangdong Province. We do not only look at the present situation of Hong Kong, but also the future of Hong Kong. Hong Kong, in the future, actually needs to work with the region. While we are fully aware of this point, many elected Members only fight for the interests of their own districts and neglect the overall interests of Hong Kong.

Just now, a Member quoted the remark made by Prof LAU Siu-kai, Head of the Central Policy Unit. He said that there were grievances in Hong Kong and it reached the breaking point. It is true. Hong Kong have failed to achieve advancement in many respects in the past decade or so. The northern side of the Shenzhen River, on the contrary, has achieved impressive progress.

Why are the legislature and the executive authorities unable to work hand in hand given that we have reached the breaking point? The Legislative Council is always engaging in argument without achieving any fruitful results. We must communicate with the Government. The discussion on the compact fluorescent lamps last year is an example. Compact fluorescent lamps are good as they help save electricity. The Government adopted the proposal of a certain political party and decided to promote compact fluorescent lamps. However, a particular party — it is actually the Civic Party sitting in front of me. If you want me to say it is you, I will do so — the Civic Party initially accepted the proposal. But it was also the Civic Party that raised the strongest opposition in the end. The whole incident gave rise to endless arguments without yielding any results. Why is it impossible for us to work together? If the proposal is imperfect, we can revise it. Take the transport subsidy incident as an example. Members were all dissatisfied when the motion was first proposed. Not only FC Members, but all Members found it unsatisfactory. What could be done then? We sat down and discussed with the Secretary until there was an acceptable option. Certainly, no option is

acceptable to every member of the public in Hong Kong, but at least it should secure the support of the majority of the public and benefit as many as 300 000 to 400 000 people. Thus, problems should be tackled step by step. How can we insist to be a perfectionist or a romantic?

For example, this week, we successfully requested the Financial Secretary to replace the proposed injection of fund into Mandatory Provident Fund accounts with a "cash handout". Cash is always welcomed. We met with the Financial Secretary and tried our best to state our case, hoping that he would expeditiously resolve the matter. This is something we have to do.

Although FCs do not support the "cash handout", it is something good for the time being. On Wednesday, we saw on the television that all interviewees wore a big smile on their faces. A friend of my wife asked me when we could have the cash. I said he could choose to receive it on a mahjong table.

We think that FCs do have a role to play, so do elected Members. There is no need for us to belittle one another. Just now, Prof WONG was right in saying that there must be checks and balances for all systems. In fact, there is a check-and-balance relationship between FC Members and elected Members, which enables policies to be accepted by the majority and not dictated by the preferences of the minority.

Therefore, I hope that Members will see clearly and proceed step by step. Discussion should always precede action. Mr Paul CHAN's comment earlier was right. Dr Margaret NG has proposed amendments to the 18 FCs. What consultation has been done? The very first thing done by a bills committee is always consultation. They have always asked people to carry out consultation but she has not carried out any consultation at all. I consider this way of doing thing pretty unfair.

Secondly, if changes have to be made, the legal FC should also be included. It was said earlier that staff serving tea should also be included. It was also the case in the "nine new FCs". Yet, the legal FC is reluctant to change. She has put forward some minor amendments, and blamed us for not supporting them. She should be careful as I will tell the electors in future that in this Council, not only FC Members oppose the amendments, but both FC and elected Members do so. Adding their votes together, they actually make up the majority.

On the contrary, on the 2005 package, the majority was also voted down by the minority, right? Thus, matters cannot be considered separately. This is the case in the Council. In order for a proposal to be passed, Members should try to come up with a proposal that secures unanimous support. Empty words are useless.

This is exactly the case on Wednesday. According to the Rules of Procedures, the minority prohibited the majority from endorsing the proposal. Thus, the Council operates according to these rules. Our FC and I support changes. However, changes need a consensus, one reached by society as a whole to ensure changes are accepted by the majority before action is taken by the such Council. The "five-step mechanism" is very important, and we must proceed step by step.

I so submit, Deputy Chairman.

**DEPUTY CHAIRMAN** (in Cantonese): Dr Margaret NG, you are speaking for the second time.

**DR MARGARET NG** (in Cantonese): Deputy Chairman, I will not respond to the remarks made to attack the proposer of the amendments. But Prof Patrick LAU just said he did not understand the contents of these amendments I propose, I think I must speak as soon as possible because Mr Paul TSE also seemed to be saying he did not get it. However, when Ms Audrey EU made the explanation just now, I am afraid that some Honourable Members, and possibly Prof Patrick LAU, were not in the Chamber. Therefore, I must make an elucidation as soon as possible.

Deputy Chairman, I would like Honourable Members to note that I propose these amendments for only one very clear objective, that is, to abolish the existing corporate votes in the elections of functional constituencies (FCs). At present, of a total of 28 traditional FCs, 18 have corporate votes. The greatest consensus of the people — this is the finding of the Government's consultation and not mine — the greatest consensus reached after the population-wide consultation is that

corporate votes should be abolished. The amendments I propose today are also based on this consensus, which touch on a core issue.

What should we do then? If Prof Patrick LAU can take this set of amendments I propose — but he has left the Chamber again, what is the use of my explaining anyway? — I have in fact submitted these amendments for quite some time and they are readily available. Given the consensus already present in the community, should it not be the Government's responsibility to consider, on its own initiative, ways to replace the corporate votes with individual votes? However, the Government has not done so. What should we do if even those who claim they support broadening the electorate size of their FCs or abolishing corporate votes also take no action? Thus, we adopt the most objective method and one that has been adopted previously, that is, the so-called "nine new FCs" before the reunification. However, Deputy Chairman, I do not intend to revert to the "nine new FCs" but merely use them as a basis to abolish the corporate votes.

Prof Patrick LAU, thank you for coming back into the Chamber now. In fact, about the proposed amendments, you only have to start looking from the point you find puzzling. For example, in Clause 6B you just read out as follows, "[t]he real estate and construction functional constituency is composed of the working persons of the major industry groups below", working persons are referred to. If you turn to page 2 of my amendments, you will find the definition of "working persons" in the bottom part of the page. Working persons mean "persons engaged in economic activities for remuneration (including employees, employers, partners, sole proprietors, directors of companies and self-employed persons)". What is meant by the figures in the provisions? They do not refer to the numbers of persons, but some economic activities. What is meant by "economic activities" and how are they classified? As stated in subsection (a), "economic activities" include those classified in accordance with a 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). That is the basis. This classification scheme is internationally accepted and includes standard industries which are generally recognized. Moreover, this classification scheme has been used previously. Even the Census and Statistics Department also publishes the relevant figures frequently. Hence, this is an objective standard.

I have separated the FCs into three groups for debate. Deputy Chairman, I know you must know them well. For the 13 FCs in the first group, I have adopted the method of replacing the corporations with working persons in the relevant FCs. This is of course far from perfect. As a matter of fact, no matter how much time I spend on these amendments, the work should never have been done by a Member because the coverage will always be limited. However, my amendments have an objective basis and the method has been adopted previously. If Members consider them not satisfactory, they can always propose their own amendments and suggest the method they consider correct. Therefore, I honestly cannot see why these should become a focus of criticisms as such.

Deputy Chairman, why do we need to single out corporate votes? It is because there is a difference between corporate votes and individual votes. If the individuals have the right to vote, nobody can prohibit them from voting. For example, in direct election, nobody can prohibit the electors from voting. But if we take a look at the current legislation, it is a privilege conferred by the Government for certain organizations to be the electors in individual FCs to which the people belong. In other words, the Government decides which trade organizations are given the privilege. Therefore, we are not talking about the privilege of individuals, but this privilege which is conferred by the Government.

Just as in the Information Technology (IT) FC mentioned presently, we have received letters from some friend in the IT sector expressing disagreement to the Government's decision because while many organizations in the IT sector have asked for the right to vote, the Government has chosen an organization which is seen as pro-government. While I have no idea whether the concerned organization is pro-government or not, this is in fact a valid criticism because there are things which cannot be made public. Some people ask the Government which organizations will be allowed to become electors. It will of course be the ones which support the Government. Conversely, if the Government grants you a certain privilege, you will of course tend to feel grateful for the Government. This is an unexplainable doubt.

Some Members (such as Mr WONG Yuk-man and Mr Albert CHAN) say they cannot support my amendments in principle because the proposed changes will beautify and rationalize FCs. They consider them minor changes which, as mentioned by Ms Cyd HO, can never alter the essentially evil nature of FCs.

Deputy Chairman, if Members can look more carefully, these are in fact no minor changes because corporate votes are the core of the existing traditional FCs — I will respond to the points made by Members in detail later after all Members have spoken — just allow me to point out that this is in fact the core of the matter. Why is it necessary to have corporate votes? Why can they not be replaced with individual votes? It is feasible to replace corporate votes with individual votes. Although we only have limited resources and the whole thing is very complicated, it is feasible to introduce amendments to the current legislation, despite the complexity, by referring to the past legislation and previous practices.

However, I dare say that if these amendments can be passed today so that corporate votes are replaced with individual votes, we will have a chance of abolishing FCs because this is the core of the matter. Corporate votes are the reason why the Government is holding onto the FCs. On this point, I will explain in further details when I make the concluding remark. But I hope Members will stop saying that they do not understand my amendments. Thank you, Deputy Chairman.

**DR RAYMOND HO** (in Cantonese): Many areas are involved in these amendments proposed by Dr Margaret NG. I am merely making my personal comments and they should not be taken as attacks. This is because in this Chamber, many a time, those of us who are returned by the so-called small circle elections, we the so-called persons with vested interests, the so-called persons with privileges (there are several of us on this side including myself) have often been criticized by name. At the City Forum, representatives of the Civic Party said if they did not have democratic ideals, they would be like zombies. I seldom retort or attack others directly. That is not what I do. I believe that once we become Members of the Legislative Council, we will have many opportunities for co-operation irrespective of our groupings, ideals or standpoints and no matter it is in the context of the bills committees or the panels. Very often, Members in the pan-democratic camp seek my help on the technical aspects when handling certain cases. I am always willing to provide assistance. This is a team effort as the 60 Members are representing the 7 million people of Hong Kong. Every Member of the Legislative Council represents almost 110 000 to 120 000 members of the public. We must work together. Different committees, bills committees and panels must work together. I think we should



not attack each other and have no tolerance at all. I seldom rise to retort, let alone attack. I even seldom argue because I do not want to waste ..... I prefer to work on practical matters when necessary. I will use my time to do effective things, or at least things I personally consider effective. Please do not criticize me again that what I mean by effective is different from what you mean by effective. It is just that our definitions are different.

Functional constituencies (FCs) have been criticized for a long time; in fact, even before the reunification. It was in 1985, I also ran in the election. But I was 20 votes short. At that time, every candidate had 1 000-odd votes. I was 20 votes short. But I did not mind because that was in fact a kind of participation. I often think the process rather than the outcome is the most important. However, the concept emerged 25 years ago and it was widely discussed. I was also a member of the Basic Law Consultative Committee. In our discussions then, it was agreed that given the uncertainty after the reunification, a balanced participation should be ensured to balance the operation of the Legislative Council, which was of pivotal importance; and a stable society should be ensured because instability would often arise when there was a changeover of governments. In other words, a system based on a balanced participation as well as checks and balances — as some Honourable colleagues have just mentioned — is of great importance. A system with FCs is not necessarily bad or evil. As I see it, this is not an evil system. If this is an evil system, how come so many Members from different groupings including the pan-democrats have participated in it? They said they joined the FCs in order to abolish FCs. I dare not say this is some twisted logic, or else someone would say again I attack others. I think this is a weird theory, which I find it hard to accept personally.

As a matter of fact, in terms of the composition of the FCs presently, I have always maintained that under the Basic Law, FC seats would ultimately be returned by universal suffrage. And universal suffrage must comply with the principles of equality and universality. This is very important. I think according to the Decision made by the Standing Committee of the National People's Congress in December 2007 — an unchangeable decision — after the election of the Chief Executive by universal suffrage in 2017, Members of the Legislative Council will be elected by universal suffrage in 2020. We are moving forward in this direction.

I have put forth many different views. Regarding the FCs, I think they can be divided into two categories. One category adopts the system of corporate votes while the other adopts the system of individual votes of the professionals. There are altogether 18 FCs which adopt the system of corporate votes while I reckon there should be 13 FCs which adopt the system of individual votes. By individual votes, it means "one person, one vote" and this has been adopted ever since the beginning. In the Engineering FC which I represent, there are over 13 000 eligible electors. In 2005, I have already proposed to the Council of the Association of Engineering Professionals in Society Ltd. (AES) that all young members of the profession (that is, members who hold an honours degree but yet to obtain the professional qualifications and will acquire the professional qualification within the next one to four years; except for some who may need to take longer to catch up, otherwise they will certainly acquire the professional qualification within a few years) be allowed to become eligible electors. I think consideration should be given to include them into the register of electors so that they become eligible electors. Moreover, associate members have also undergone stringent vetting and most of them already have an associate degree. Regarding these members ..... However, yesterday, the Secretary said ..... I recall that I might be presiding over a preparatory meeting of the Subcommittee to Study Issues Arising from Lehman Brothers-related Minibonds and Structured Financial Products (the Subcommittee) at that time, and the Secretary said (according to the press release issued by the Government) that for the professional FCs ..... He made the statement during my absence (I was actually present but handling matters of the Subcommittee) that for the professional FCs, the Government would define the eligibility of electors according to the statutory professional qualifications. Therefore, it would be difficult to introduce changes for the Engineering FC specifically. Regarding the professional FCs, the future direction was to include members who had yet to obtain the professional qualifications into the register as electors. But in the meantime, those who had yet to obtain the professional qualifications would not be included. In fact, in 1991, I have successfully amended the legislation in relation to the election of the Legislative Council so that the eligibility criteria of electors in the IT FC would include members of the information technology division of the AES, which also include young professional members. In other words, young members are also eligible to vote in that FC. Hence, Secretary, I am sorry to say that your statement is not entirely correct in my opinion because there is already a precedent.

Regarding the FCs which adopt the system of corporate votes, I have all along considered that their electorate base should be broadened. Similar to the case of the professional FCs, the electorate base of these FCs should also be broadened in the coming eight years as extensively and expeditiously as possible. Therefore, regarding the Engineering FC I just mentioned, with my proposal of including the two particular groups of members, that is, associate members and young members, the number of eligible electors would at least increase to 30 000 or 40 000. That is by no means a small number. At least, we would have taken a step forward. Of course, we have already missed a chance in 2005. We also have no chance to do so now because the Government considers that no change should be introduced to the traditional FCs for the time being. Therefore, we have missed another chance again. However, in respect of the FCs which adopt the system of corporate votes, I also consider that their electorate base should be broadened as soon as possible but it should be achieved through different methods because each FC has its own characteristics. I do not entirely agree that the definitions or classifications adopted by the United Nations should be applied to us because Hong Kong's situation is not entirely the same as other countries. I think all 60 Members of this Council will agree that before proceeding with any legislative amendments, particularly those having profound impact on Hong Kong's development, sufficient, extensive and thorough consultation must be conducted. Regarding the present amendments proposed to the 18 FCs, although I understand that Dr Margaret NG has done a lot of work and I admire her very much for that, I am worried that individual FCs ..... even people belonging to the specific FCs may be uncertain about their eligibility.

I have heard the examples cited by Prof Patrick LAU just now and I will not repeat them. There might be omissions in some cases, while it is just a matter of unclear definitions in others. The matter is very complicated. Nobody is in a better position to decide whether and how the corporate votes of the 18 FCs should be broadened than people belonging to the specific sectors themselves. However, the relevant work has yet to be undertaken. Regarding working persons, is it really appropriate to apply the classifications adopted by the United Nations to us? I do not want to jump to any conclusions, maybe it is appropriate or maybe it is not. However, without any prior consultation of all the 18 FCs, I find it difficult to support the amendments proposed by Dr Margaret NG at this stage. This is my predicament. Notwithstanding my agreement in

principle that the electorate base of the two categories of FCs — that is, the professional FCs and the corporate FCs — should both be broadened as soon as possible within the coming two terms, I cannot support the relevant amendments out of a very important reason.

Regarding the way forward, I think if this development continues, the Government should work expeditiously because these work should be undertaken by the Government. The authorities have the resources to consult each FC. The individual FCs should report the outcome of consultation to the Government. They should make their own proposals because they can ..... Each FC should decide on their own and there is no need to apply a standard formula for all FCs. Each FC has its own characteristics. In fact, I have mentioned time and again in this Chamber that I think it is best for them to decide on their own. Hence, I think at this stage, I cannot support the amendments proposed by Dr Margaret NG. Thank you, Deputy Chairman.

**MR CHIM PUI-CHUNG** (in Cantonese): Deputy Chairman, the topic about functional constituencies (FCs) under discussion now was actually discussed yesterday. We merely focus our debate on reforming the composition of the FCs today.

Now, we have recognized the existence of FCs. By these amendments, the existence of FCs is recognized because without such recognition, there is no need for further discussion. Therefore, the focus of our discussion once again goes back to the recognition of FCs. No matter Members like it or not, this is a policy formulated by the Central Authorities. No matter whether it is the Chief Executive, Secretaries of Departments or Directors of Bureaux of the SAR Government, nobody has the power to change this fact. As Members, we likewise have no way to change this fact. Deputy Chairman, in respect of this matter, I have talked about three kinds of mentalities: First, we can accept it; second, we can resist it but resistance is useless; third, we can take our time to put forth our views so that the system can be reformed and changed gradually.

In fact, the amendments proposed by Dr NG should be analysed from three aspects. The first aspect is about organization votes. For example, in the FC I

represent, we do not have organization votes as such. We only have corporate votes. Regarding organization votes, only a few FCs which are represented by the relevant organizations would elect their representatives to the Legislative Council by organization votes. One of the examples is the Labour FC. The composition of individual FCs falls under the internal affairs of the SAR Government and there will be no intervention from the Central Authorities. Therefore, it is incumbent upon the Government to initiate and conduct a comprehensive review and evaluation on this matter. However, is it possible that some influential persons have made the Government either dare not or wish not discuss this matter? Even though these persons may be resistant to changes or afraid of some unforeseeable questions, the Government must conduct the said review. Under the circumstances, we must first understand the definition of FCs. Even though you may have different views, you must try to understand first.

In the past, the Government already made it clear that FCs should reflect the core values of their respective sectors. Some might wonder whether FCs indeed had any privileges. In this respect, I personally do not think it is necessarily the case. Take the Insurance FC as an example. The FC I represent used to cover the insurance sector. It was just that I promised the insurance sector to fight for a separate FC seat for the sector on its behalf. At that time, there was intense competition between the insurance sector and the higher education sector. The matter was finally settled with a difference of one or two votes.

Some Honourable colleagues have criticized some big bosses for having several dozens' votes. But this is just a wrong or misleading representation. Why do I say so? This is because in actual fact, every person only has one vote. Let me give an example. Under a very large-scale listed company, many organizations and affiliated companies may be formed. These individual organizations and affiliated companies also have the right to vote. Nonetheless, these voting rights are exercised by different individuals appointed to represent the respective companies. Not any employee can have the right to cast more than two votes. Moreover, the critical point is that the employee has his own idea and preference in terms of voting. Although his big boss has not said anything — I think the real big bosses would have no time to mess around with these things — even if we assume that the boss does tell the employee to help and

vote for a certain candidate, the employee who represents the company in casting the vote has his own autonomy. Therefore, we should not jump to conclusions. We should not query or insult our electoral system before we get to know the truth of the matter.

In particular, those who work in the legal profession should state their views in a more formal, impartial and equitable way. Although the companies do have such voting rights, not every person can "call the shot". When we attack others, we must have data or even facts and concrete evidence to back us up. Statements based only on presumptions can only mislead electors. Why do we do so then? They have made these unfair accusations and allegations merely to get one vote for themselves, but for the entire community ..... Moreover, I firmly believe that out of the 60 Members, most of us do not mind whether we are Members or not. Being a Member of the Legislative Council is time-consuming, particularly for those from the legal profession. Basically, their opportunity costs would be higher and they must make greater sacrifice in terms of their beliefs and ideologies. I do not intend to assess the representativeness of individual Members as this is something which will be judged by the community. But as far as the review of organization votes is concerned, I personally think that the Government must first work with a sincere attitude.

Regarding corporate votes, for example, there are about 900-odd corporate electors in the FC I represent. The corporate electors can nominate authorized representatives to cast the votes. For a certain period of time, a limited company in my FC can nominate as many as four representatives. But later, many of these representatives do not want to represent the companies as they consider that one representative, instead of four, is enough. As a matter of fact, they have no interest in voting. On this issue, my view is that the replacement of all corporate votes by individual votes might create bias and danger. Why is that so? It is because in that case, the votes will no longer be corporate votes of the FCs, but votes of all practitioners of the FCs. For example, the Banking FC has about 100-odd votes which represent many banks. Every bank can only nominate one representative to cast the vote. If all employees of the banks are allowed to vote, such as the HSBC which may have several tens of thousands of employees, that is quite representative. But they are all practitioners. To put it bluntly, the employees will always outnumber the bosses. Then, all the FCs will become the

Labour FC with the labour sector representing all the FCs. Unless the definition of FCs has been changed, this has definitely contravened or deviated from the original objective of FCs.

(THE CHAIRMAN resumed the Chair)

Turning back to the Basic Law, undeniably, it has been clearly stipulated that double universal suffrage will eventually be implemented. FCs will eventually be elected by universal suffrage some day in future. However, I must stress that FCs will still exist and the question is just about the electoral mode of universal suffrage to be adopted. As I see it, it is best that in 2016 — I think we should no longer talk about 2012 — the FCs will be divided into two groups. The composition of the original FCs can be improved and half of the original 30 FC seats will be retained.

For the other half of the seats, they will be elected by practitioners of the respective sectors, but of course, the electors must be restricted to people who work in the sectors. Take the Legal FC as an example. Lawyers originally have a representative for their own profession. But apart from lawyers, a law firm also has other employees, such as the cleaning ladies. All these people will be eligible to vote in that FC and they can elect the representatives for half of the seats. Some may still consider this arrangement not entirely fair, but is there anything that is 100% fair in this world? This is because the educational level and representativeness of every person is different. Capable persons may be earning salaries many times more than those who are not so capable. Therefore, there is really no way we can measure such things in our society.

Under this mode, what will the situation be like in 2020? As I just said, half of the seats allocated to practitioners of the respective FCs will be re-allocated so that all electors in Hong Kong will be eligible to vote in these FCs. Electors will have the right to choose in which FC they want to exercise their FC voting right. By the same token, after 2020, the original electors of the respective FCs will make up 50% of the votes while the participants from other sectors will make up the other 50%.

In this way, either barely or factually, we can say that the FC seats are elected by full universal suffrage because every FC is highly representative — of course, it is not 100% — 50% can be said to have elements of universal suffrage. Therefore, Chairman, we must come up with a constructive method which can resolve our differences.

As I have said before, Hong Kong is a relatively special place because we practise "one country, two systems". We must also understand that Hong Kong has been under colonial rule for more than 150 years. Of course, we have reunified with China now. However, China still practises socialism with Chinese characteristics. In other words, we must still recognize communism. Under the circumstances, even though we neither welcome nor accept ..... You may say it is a case of making compromise for the sake of general interest or an alternative form of acceptance, but Hong Kong is a very special place after all.

Therefore, regarding issues that have been accepted and understood by the people, we, as Members of the Legislative Council, should not adopt a nitpicking or accusatory attitude towards each other on matters that have already been implemented or put into operation. Of course, it is the highest level for Members to debate, critique or state their own views in the Council because a person good at debate will get support. Otherwise, they will not be qualified to sit in this Chamber. If Members lose in an election, they will no longer be qualified to state their views or criticize the opposite views of others in this Chamber.

I consider that it is most important for the Government to make public within a reasonably practical time frame a proposal that is beneficial to all parties. Politics can influence society and people's livelihood. If there are too many politics in Hong Kong and this creates divergence ..... Let us look at Macao and Singapore. They have achieved remarkable progress and growth in many aspects. If Hong Kong is still focusing on political arguments instead of striving for progress and growth in other aspects, we will be eliminating ourselves rather than being marginalized.

Of course, it is the people's wish that the problem can be resolved with the outcome of bringing the people closer together. Let us all work together.



**CHAIRMAN** (in Cantonese): Ms Audrey EU, you are speaking for the second time.

**MS AUDREY EU** (in Cantonese): Chairman, first of all, I would like to respond to Mr Andrew LEUNG. Unfortunately, he is not in the Chamber now. Chairman, he said very angrily earlier that the Civic Party, while being the proponent of the compact fluorescent lamps (CFLs) proposal, was also its staunchest critic. I think he must get the facts right first.

As a party concerned about environmental protection, the Civic Party of course hopes to see the implementation of more energy efficient measures by the Government. Therefore, we have indeed suggested to the Government that assistance should be given for the public to replace incandescent light bulbs with CFLs, for example, through the distribution of CFLs or green consumption coupons. Eventually, I think the Chairman should also recall that in the last policy address, the Chief Executive announced the proposal to distribute CFL coupons. At that time, we thought this was an environmental protection initiative from the Government. As a matter of fact, I was very happy and supportive of the proposal when I first heard about it. But we eventually found out that electricity tariff rates would be increased as a result of such an initiative. It turned out the cost of the CFL coupons would be factored into electricity tariff rates. Of course, this created an outcry from many people. While the Government appeared to be subsidizing an energy efficient initiative, the business sector was in fact providing the subsidies to the households. Moreover, the households had to share in the costs themselves. Of course, it was later discovered that the Chief Executive's in-law was engaged in CFL business. Chairman, I immediately wrote to Donald TSANG asking him to propose another refined CFL coupon initiative as soon as possible. First, he should allow choices for the people, instead of limiting the option to giving out CFLs. Of course, I had no prior knowledge that his in-law was engaged in CFL business. But that did not matter really because the people could have other choices. Apart from CFLs, there were a range of energy efficient devices available such as energy-saving power panels, energy-saving plugs, and so on. Should it not be better to have more choices? Moreover, the relevant initiative should have nothing to do with electricity tariff rates. Simply put, I already wrote to the Chief Executive in the same week and talked to Secretary Edward YAU many

times. Of course, I think the Chairman also knows that this Government is very stubborn. Notwithstanding the numerous suggestions given — I did not know whether it was because the refined proposal was put forth by the Civic Party, Chief Executive Donald TSANG just would not listen. Moreover, it is sometimes really very difficult to stand firmly behind the Government. I think the Chairman also knows this very well. This is the response I want to make to Mr Andrew LEUNG first about the CFL incident.

Furthermore, Chairman, I have heard many Members mention in their speeches today that they felt very aggrieved and puzzled why functional constituencies (FCs) must always carry original sin. They claimed they had done a lot for their sectors. They were not only conversant with their own sectors, they also reflected their demands. Actually, this was in line with public interest. However, as the electorate base of the FCs is very often quite restricted, they must bear the burden of the so-called original sin.

Chairman, there is in fact a solution to this problem. But why has nothing been proposed all these years? Why then, when this proposal is raised by Dr Margaret NG today, colleagues would say they do not understand, query why the relevant classification is adopted and question why the proposal is far from perfect? Dr Raymond HO was so funny in saying that because the relevant classification had made reference to international standards, it would not be applicable to Hong Kong. Chairman, I was caught between laughing and crying when I heard such a remark. Dr Raymond HO has this misunderstanding because he has neither read the papers nor listened carefully to the speeches of Members. Not only have I and Dr Margaret NG read out the relevant provisions respectively, the papers have already been circularized to Members beforehand. In fact, that is not merely an international classification scheme. As I have said in my earlier speech, the so-called international classification scheme forms the basis of a classification scheme published regularly by the Census and Statistics Department over the years. It is correct to say that the classification scheme is an adapted version of the United Nations' International Standard Industrial Classification. After adaption, the United Nations' International Standard Industrial Classification has become the classification scheme known as the "Hong Kong Standard Industrial Classification Version 2.0" published by the Hong Kong Government. This is stated clearly in black and white here. Both Dr Margaret NG and I have explained this point in our respective speeches. Dr

NG mentioned this point again in order to provide an explanation to Prof Patrick LAU. But then Dr Raymond HO said he did not understand when he spoke just now. When Dr Margaret NG tried to explain, Prof Patrick LAU also said he did not understand.

Chairman, it does not matter whether they understand or not because they often say they know their sectors the best. When Dr Raymond HO spoke just now, he also said he knew his sector the best. When they speak, all FC Members including Mr Paul TSE would say they can best represent their sectors. Chairman, if Mr TSE is so conversant with his sector, how come he has never made such a proposal? Now that Dr Margaret NG has made this proposal, how come he has not proposed any amendment of his own? Dr Raymond HO said there were 18 different groups of engineers, then why has he not consulted those groups? Chairman, I have instantly checked on the Internet to see how long Dr Raymond HO has become a Member of the Legislative Council. He has been a Member for four consecutive terms over 10-odd years. But this problem is not raised today. It has been discussed for a long time. A general consensus has long existed in the community about the narrow electorate base of the FCs.

Chairman, he is the representative most conversant with his sector. Other FC Members are also most conversant with their respective sectors. But why have they never made such a proposal? Dr Raymond HO said he had already made a suggestion in 2005. But as the proposal was rejected, the opportunity was missed. Why the rejection of the constitutional reform then would make him miss the opportunity of putting forth his suggestion? The situation is the same today. We are only discussing the enactment of local legislation here. This has nothing to do with changing the electoral system under the constitutional reform package (that is, the constitutional reform package proposed by the Government which requires the passage by two-thirds of Members). What we are discussing now is the enactment of local legislation.

In fact, during my debate with the Chief Executive, I already said that he could not put the blame on the Central Authorities. If the SAR Government is determined to change, the electoral system of the Legislative Council is really within the ambit of Hong Kong's internal affairs. In 1993, before the reunification, Mr LU Ping, the then Director of Hong Kong and Macao Affairs Office, also said that it was the internal affairs of Hong Kong if universal suffrage

was implemented for the Hong Kong Legislative Council election. If the SAR Government is blamed for refusing to take actions, then why has nothing been done by those representatives who are so conversant with their sectors? If the proposal from Dr Margaret NG is not good enough, Members are free to propose their own amendments. But why have they not done so?

Chairman, Mr Paul CHAN said in his speech what he disliked most was some Members speaking in a threatening tone saying they would note the voting result today and spread the news afterwards that even FC Members were not willing to broaden the electorate base of their respective sectors. He stated clearly that he did not like such a threatening attitude. Chairman, this is indeed the fact.

Of the FC Members, who, except Dr Margaret NG, has ever tried to change the electorate base of their respective sectors? At least, Mr Paul CHAN knows that the electors in his FC are individuals. Regarding the present amendments proposed by Dr Margaret NG, notwithstanding her repeated statements, I still want to reiterate that (because there is a common misunderstanding) she does not intend to create the "nine new FCs". She does not want to turn all FCs into the "nine new FCs". The amendments we are discussing at this stage are merely intended to replace corporate votes with votes of working persons. Therefore, those FCs whose electors are originally "individuals", such as the FC which is represented by Mr Paul CHAN, are not affected.

Yet, Mr Paul TSE still mentioned in his speech that the same method could be applied to the Legal FC, such as by including law clerks or tea-room staff working in law firms as electors. Chairman, he can actually propose such an amendment. If he considers that the electorate base of the Legal FC should be broadened through this approach, he can propose the relevant amendment anytime. But he should not use this as an excuse for not supporting Dr Margaret NG's amendments, claiming that she had not changed and broadened the electorate base of the Legal FC. Dr Margaret NG has said from the onset that the present amendments only deal with the corporations under the system of corporate voting because it is the Government's decision whether a corporation is included or not. Moreover, the decision is purely arbitrary and without any rational or theoretical basis. In short, a corporation will be included if the Government finds it acceptable. Conversely, a corporation will not be included if the Government finds it unacceptable. I think nobody really understands the

reason behind it. It is under such circumstances that Dr Margaret NG is seeking to make improvement.

What is the reaction of Honourable colleagues? They say a consensus has yet to be reached and the matter should only proceed with a consensus in the community. Chairman, this is the favourite excuse of the SAR Government. When faced with anything that it does not want to do, the Government will say a consensus has yet to be reached. Of course, in many cases even when a consensus has been reached, the Government is still unwilling to proceed. A case in point is the reinstatement of the Home Ownership Scheme. The Government always adopts the same attitude. Whenever there is anything it does not want to undertake, the Government will say a consensus has yet to be reached. Therefore, we have also heard many FC Members saying today that nothing should be done because a consensus has yet to be reached.

Chairman, I implore the people of Hong Kong to pay special attention to this kind of argument and then think carefully for themselves when we can really achieve universal suffrage and abolish FCs. This is indeed a long road. If we always put the blame on others; put the blame on the proposal being not perfect; put the blame on the lack of consultation; or put the blame on the Government for taking no action, then we do not give our support or we just do nothing ..... Chairman, this attitude .....

Earlier on, some Members who did not support the amendments proposed by Dr Margaret NG said that one needed to compromise in politics, and that to take a small step forward was better than mark time. When we eat, we need to take one bite after another. We must take one step after another. Chairman, these amendments are proposed exactly on the same basis. We are not proposing to reach the goal at one go and the amendments have nothing to do with universal suffrage. The amendments are not perfect and we must take one step at a time. We are merely trying to replace, within a possible limit, the corporate votes with votes of working persons according to the figures provided by the Government. But Honourable colleagues still do not support our proposal. Under the circumstances, while I am not threatening anybody, I will surely cite this as an example whenever someone brings up this matter in future. If other Honourable colleagues do not support these amendments and claim that they have very good reasons to do so, and if they have the nerve to bluntly criticize Dr Margaret NG's amendments as not good enough, I will ask them in

return what they have done themselves. I think the people will make their own judgment on this matter. Thank you, Chairman.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, you are speaking for the second time.

**MR ALBERT CHAN** (in Cantonese): Chairman, during the debate in these three days, as I said in the past two days, I have strong feelings. Perhaps people will become more emotional as they grow old.

At first, I only intend to speak once, but as I listened to the speeches of the many Members earlier, particularly Members of the functional constituencies and particularly that of Mr Andrew LEUNG, I could not but shake my head and sighed.

His speech reminds me of DU Mu's poem *The Moor in Qin Huai River*. The last two lines of the poem read, "Know not the anguish of losing one's country, girls sing A Song of Palace Garden Flowers over the river". I believe Members are very familiar with these two lines. DU Mu wrote this poem in the late TANG Dynasty, where people led a life of dissipation, the rule of the government lacked enthusiasm and the people were living in dire strait. He saw girls singing a song about the loss of one's country, but they did not understand the lament of that loss described in the lyrics.

The speeches made by Members of the functional constituencies fully reflect that they fail to understand the changes taken place in Hong Kong society. Over the past decade or so, they have been making similar speeches, as at the time when the Drafting Committee for the Basic Law ..... Their speeches have remained the same not just over the past decade or so but over the past two decades or so. They completely fail to grasp, comprehend and understand the change of times, the change of the mindset of the public and their plights. They have just kept repeating themselves. Ms Audrey EU has made many analyses and criticisms earlier. They always say that consensus is needed on many issues; frequent disputes should be avoided; contribution has been made by the functional constituencies; unity should be pursued, compromise is needed in politics, and so on.

In the Middle East, are there any compromise and consensus? Has the business sector in the Middle East made any contribution? Why do you not make such remarks in the Middle East? Why do you not say so to people starting the Jasmine Revolution in the Middle East? Back then, regarding the formulation of the Basic Law, the creation of the functional constituencies, the bi-system model and the separate voting system, was consensus reached before their implementation? As for the "CHA-CHA" proposal, the Democratic Party also took part in the burning of the part on constitutional system of the Basic Law at that time. Was there consensus at the time? How many people took to the streets at that time?

Basically, the political system was established in a dictatorial and unilateral manner, disregarding the aspiration of the people of Hong Kong. After years of development, dual universal suffrage should be achieved in 2007 and 2008, but we were cheated all of a sudden and unilateral changes were made. Was there consensus on the interpretation of the Basic Law by the National People's Congress?

These dog-lackeys wag their tails to beg for favours from the bigwigs, giving support to everything said by these bigwigs and Grandpa. When the public demand changes, they say that there should be consensus. When the Central Authorities have made the final decision, they respond like a dog. Honourable Members, has consensus been reached on those issues? Consensus is not required on those issues. The Central Authorities have the absolute power to make decisions. Once the conducting baton is waved, these people do whatever they are told like a dog. When they are given a bone, they wag their tails and droop their ears gaily to lick the bone. If these people are not dog-lackeys, what are they?

Consensus, tell the people starting the Jasmine Revolution in the Middle East about consensus!

The power is on your side, the interests are also on your side, so you have everything. The speech of Mr Andrew LEUNG earlier was ridiculous. He said he disagreed with offering "cash handouts", but he gave his support all the same. Buddy, is he suffering from schizophrenia or dissociative identity disorder? How can he support something he disagrees? If he disagrees with an issue, he definitely has his own standard of values and reasons. Does it mean he is great to give his

support? Why did he not put forth this point in the beginning? When he sees that people are so happy about the "cash handout", why has he not made this proposal in the beginning? Why has he not known that "cash handouts" can bring happiness to the public? Was he blind in the past? Does he not know the plight of the public in their living? Does he not know that some people will be very happy to receive the \$6,000? Why would he not know such a reaction? Where has he been over these years? What kind of society and where has he been living in?

These remarks from Members of the functional constituencies make their ugliness clear to all the people of Hong Kong. This is exactly what BO Yang ..... I encourage Members of the functional constituencies to read BO Yang's book — *The Ugly Chinaman*, and they will see their own true faces in it.

This remark, "I disagree but I support", is archetypal. I call on the Internet community to spread this remark of Mr Andrew LEUNG to the world, so that people around the world will see this face and confusing thinking of Members of the functional constituencies in Hong Kong. I hope he will explain later why he supported something he disagreed. If he disagrees with it in the first place and agrees with it after further understanding of it, it may still be logical, for he has changed certain concepts he holds. However, he said, "I disagree but I support." Does it mean that once the master waves the conducting baton, he will put aside his own idea, value and position and follow the baton, changing his stance from opposition and disagreement to support?

This happens quite often at voting, and this is the original sin of the functional constituencies. They never have their own stance or idea; they never understand the needs of the people; and they always live inside their life circle. At that time, I criticized John TSANG that he and those Administrative Officers only lived in their life circle. Some "big sisters" at the senior official level adopt the following routine: Go to the Jockey Club after work to do exercise and then dine there to meet with those bigwigs. This is the life circle of the Directors of Bureaux and the bigwigs in Hong Kong.

Some "eunuchs" and "empresses" go to Tai Po to have a cup of milk tea and spend several hundred dollars. They then claim that they have contacted the masses. Buddy, they have just had a cup of milk tea and spent some money. They then claim they have stimulated the local economy and contacted the masses, as if they have done something big. To get a better understanding of



Hong Kong, they have to take a tour on a helicopter. A member of the Internet community has written an ironic witticism. It says that when Donald TSANG and John TSANG take the helicopter to inspect Hong Kong, John TSANG says, "If I throw a \$1,000 note out, the person who picks it up will be very happy". Donald TSANG then says, "Not this way. If I throw 10 \$100 notes out, I will make 10 people happy." And the pilot of the helicopter says, "If I throw you two out, 7 million people will be very happy!"

The wisdom of the Internet community actually reflects the existing political system in Hong Kong, and you may .....

**CHAIRMAN** (in Cantonese): Mr CHAN, this is the second time you speak, please return to the content of the amendments.

**MR ALBERT CHAN** (in Cantonese): ..... yes, Chairman. Apart from Dr Margaret NG, if those Members of the functional constituencies who are not representing the public opinions are thrown out, probably everyone in Hong Kong or around the world will be very happy.

Chairman, I now return to the issue on functional constituencies. When I talked about the election of the Chief Executive in the past two days, I put forth similar logic and analysis. When we review a system, we have to analyse the performance of the system in the past and the problems now exist. We will review the system to identify problems and make recommendations, and then rectify the system. Changes should be made according to this approach.

The functional constituency system has been put in place for more than 10 years, and it is time to conduct a review. Given the arrangements and requirements laid down in Annex I and Annex II of the Basic Law, this will be a historic review. This historic review must be substantial, concrete and meaningful, so that changes, amendments and improvement will be made subsequently to perfect the system.

However, this is not the case. Once the Standing Committee of the National People's Congress comes to a decision, certain people will act like a "quail". They keep saying that if Grandpa has not instructed to make changes,

Hong Kong does not have to change. The same approach applies to economic issues. Whenever we are in trouble, we will seek help from Grandpa. If Grandpa opens up an additional province, Hong Kong will be able to do more business. If two more provinces are opened up, the retailing trade in Hong Kong will flourish and the rental will surge. If nine or 10 more provinces are opened up, the rental of shopping malls will rise drastically. Hence, we can see that the whole mindset is to follow the instruction of the conducting baton of the Central Authorities. The people, officials and political personages in Hong Kong do not have their own mindset, analysis and position. "I disagree but I support", it is really archetypal.

Chairman, regarding the problems of the existing functional constituencies, if Members continue to act like those girls in the poem to keep singing the Song of the Palace Garden Flowers, the grievances in society will keep intensifying. In a number of countries in the Middle East, Libya, Egypt, Tunisia, Yemen and Algeria, two presidents (Hosni MUBARAK and Ben ALI) have stepped down in succession, and Muammar GADDAFI is still wrestling and struggling. I believe he will step down, or even be found dead in the wilderness in the near future. The power of the people cannot be stopped.

Regarding the existing functional constituencies, Dr Margaret NG has the good intention of bringing the least improvement to the nature of the system by proposing some humble amendments. It is hoped that the wickedness of the system will be reduced, so that the hatred or dissatisfaction of Hong Kong people towards this wicked monster can be alleviated, thereby easing the conflicts and grievances of society.

If you cannot even accept these amendments, we have to thank you, and the power of the people will have to thank you for your opposition. As you insist on opposing the amendments and praising the goodness of the existence of functional constituencies, you are no different from the supporters of Muammar GADDAFI in Libya, who keep praising the greatness of Muammar GADDAFI. I have to express my gratitude to you all for your unswerving support for functional constituencies. Thank you for praising the greatness of functional constituencies. Thank you for persisting in having consensus and compromise. The people of Hong Kong now know clearly that they can no longer harbour any hope on this group of Members of functional constituencies, nor the principal officials under the

accountability system. Even the request for very minor changes on constitutional reform is impossible to realize.

When the people of Hong Kong study the amendments proposed by Dr Margaret NG carefully, they will notice that if such humble requests cannot be addressed, what else Hong Kong people can look for. The only thing they can do is to grab the power in striving for reform in their own hands, just as what the people in the Middle East do. Therefore, the Jasmine Revolution, the campaign and storm of "jasmine" will definitely take root in Hong Kong step by step. Therefore, you should never underestimate the influence of your decision on Hong Kong.

I clearly remember that in 2003, a week or so before the July 1 March, I told Donald TSANG that there would be nearly 300 000 people taking to the streets. He responded jokingly, "I don't think so. You people are making irresponsible remarks only to incite the public." He simply turned a deaf ear to my remark. A few days before the July 1 March, I told certain officials that there might be as many as 500 000 people joining the rally. I told the same to David CHU at the time, but he said, "Will there be so many people?" They were completely out of step.

Four years ago, I proposed the offering of "cash handouts", but they just turned a deaf ear to it and regarded me as kidding only. After I put forth this proposal, the Macao Government took immediate action. Therefore, I often praise Edmund HO, for he accepts our views.

**CHAIRMAN** (in Cantonese): Mr CHAN, please return to the content of these amendments.

**MR ALBERT CHAN** (in Cantonese): What I wish to say now is that many Members of the functional constituencies simply fail to understand the views and sentiments of the public. Now, they support the offering of "cash handouts", but may I ask which Members of the functional constituencies have put forth the "cash handout" proposal in the recommendations they submitted to the Financial Secretary? If they are so courageous now to consider the offering of "cash handouts" a good approach, why have they not put forth that proposal in the

beginning? Some Members brought up the issue on transport allowances earlier. Have they raised any formal proposal on transport allowances?

Therefore, very often, they really behave like a dog. They will bark and wag their tails in a happy and high-spirited way when their master give them bones. As Members, they have the obligation to make every effort for the stability and prosperity of Hong Kong — as often stressed and requested by the Central Authorities. They should not just focus on their own honour and wealth but ignore the plights of the public. This will certainly lead to the occurrence of the Jasmine Revolution in Hong Kong.

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak? Mr Paul TSE, you are speaking for the third time.

**MR PAUL TSE** (in Cantonese): Chairman, I must admit that I have not spent adequate time on studying the amendments proposed by Dr Margaret NG. I have gone through the amendments related to the tourism functional constituency (FC) roughly, but I have not examined carefully the proposal of changes for each FC. The voting today is not only concerned about the tourism FC but a decision for all FCs.

I must also admit that the criticisms against FCs are correct in some measure, for individual FCs may not have taken proactive moves to expand the electorate base, an approach we advocate or support.

On the above premise, I admit that I have not been doing enough in some areas. However, I hope Dr Margaret NG will understand that each sector has some urgent issues and difficulties to deal with. Take the tourism sector as an example. Members all know that in the past few months, the focus of attention has been on China inbound tourism. We need to handle many measures that have far-reaching impact on the economic activities in Hong Kong. On the one hand, we have to consider the practical difficulties, and on the other hand, we have to take into account the priority issue.

I have examined the issue of expanding the electorate base, particularly the proposal of abolishing corporate votes, with electors of the tourism sector to seek their consensus and views. The majority of the electors agree that the electorate

base has to be expanded, but a clear consensus on the ways of expansion has not yet been reached. Certainly, had the situation not come to a critical stage, as the Cantonese slang "close in for the kill" describes, immediate changes would not deem necessary. I agree with this.

However, this is not the issue under discussion today. The focus today is: At this very moment, is it necessary to change the electorate base of each FC according to the classification set out in Dr Margaret NG's amendments? It is the focus today.

Why did Mr Paul CHAN think that ..... He was polite not to name the Member concerned. Yet, Ms Audrey EU admitted in her response that she was the Member Mr Paul CHAN referred to, and she has responded to the speech of Mr Paul CHAN. I believe those having witnessed the course of the debate, be it the public or our colleagues, understand that Mr Paul CHAN did not mean to find an excuse, and he was only stating the different voting preference of Members. We oppose the amendments this time, but it does not mean that we disagree with the expansion of the electorate base of FCs. We only disagree with this approach for making changes.

Certainly, I have criticized Dr Margaret NG's approach for working behind closed doors, for in many cases, the classification according to theories and something in writing does not work. As for the classification concerned, as far as I understand — please correct me if I am wrong — the information is from the Census and Statistics Department on economic activities, including statistics on GDP, salaries, and so on, which is in no way related to the electorate base.

Members know that to decide the delineation of constituencies and the eligibility of electors is a very serious matter. In the case of geographical direct elections, more often than not, there are many disputes about which constituency should a certain street or a certain district be included. Certainly, to adopt a relatively accurate standard by all means, we wish to use the addresses of electors as a reference. There may be some changes for every election. As a matter of fact, a member of the public should inform the authorities concerned of his change of address as soon as possible or before the deadline, so that he will be re-assigned the constituency he belongs to according to his new address.

However, according to the present classification proposed by Dr Margaret NG, I am afraid we may encounter three problems. First, the scope of the definition she uses is too broad, and I will explain it with the case of the tourism FC later. Second, the definition she uses is far from accurate, which causes a lot of doubts. Third, there is too much overlapping with other FCs.

Surely, I understand that the Government has adopted an arbitrary or random approach, in Ms Audrey EU's wording, for the purpose of collecting certain economic data. However, when it comes to the base of political election, I am afraid we cannot merely aim at collecting data. We must adopt a qualitative approach to deal with the issue of substantive representativeness.

The representativeness of individual FCs varies. Figures alone cannot reflect their representativeness. Surely, I understand that in geographical direct elections, the simplest and least controversial method is the counting of the number of people. It is understandable. However, Members should not forget the purpose of having functional constituencies is to enable certain individuals or organizations with representativeness to represent certain sectors which really have influence and importance in Hong Kong. The term "representativeness" is worth special attention. We cannot rely on a simple definition alone to decide representativeness. Instead, we should understand the respective FCs.

Hence, I understand why the Government used the least controversial figures when it first set the eligibility of electors for FCs. Take the legal FC as an example. The number of enrolled barristers and solicitors was used, and it would not arouse controversy. The authorities knew clearly that the number would be around 7 000 to 8 000.

According to this criterion of the Government, group 691 not only includes solicitor firms — it is incorrect to use the word "firm" for it is referring to chambers though commonly called "firms" — but also people responsible for patent and copyright, legal counselling, trust documents and company incorporation. There are advertisements in newspapers on company incorporation services provided at a cost of several hundred dollars, and people providing these services also belong to the legal sector. But why are these organizations or people not included in the legal FC?

First, it is highly controversial, for it is unclear and ambiguous. Second, solicitors and barristers in this Chamber will definitely oppose it strongly, querying the eligibility of those people for including in the same FC. Similarly, many Western medicine practitioners do not like to be included in the same FC with Chinese medicine practitioners. Why? I am not criticizing the views of individuals, but this is the political reality.

Dr Margaret NG said, "You should do your own work." However, it is not a matter of ..... I admit that we may not have done everything we should, but we have to be selective and prioritize our tasks. But since Dr Margaret NG considers that she should do her best to optimize every FC, may I ask her to start with the legal FC she belongs to. All the people I mentioned earlier should be included in the legal FC immediately. Not only legal executives and secretaries, but anyone related to the legal sector, that is, persons in group 691, according to her criteria, should be included as the electors of the legal FC. This is because sometimes, we do not want to see people failing to do what they preach.

Chairman, I now return to the definition for the tourism sector. First, Members probably know that the tourism sector is mainly composed of three major industry groups, namely the travel agency, the airline and the hotel. It is mainly divided into these three major areas. However, according to the classification proposed by Dr Margaret NG this time, the hotel industry will be wiped out ..... Sorry, I should not say that. Sorry, I withdraw my earlier remark. She proposed earlier to exclude the airline industry. Without the airline industry, we will lose one of our three pillars. Then, she mentioned certain working persons, including persons engaging in short-term accommodation activities. This question suddenly crosses my mind: Does the definition include providers of hourly hotel accommodation in Kowloon Tong? We all know that the tourism industry includes many areas, including shops, transport arrangement, scenic spots, and so on. The scope is very broad. As I mentioned earlier, recently, some people organize tours to bring Mainland pregnant women to give birth in Hong Kong, or to organize tours for plastic surgery. Should these activities be also related to the tourism sector?

As I said earlier, this classification is full of problems. First, the scope is too broad; second, it is not accurate; and third, there is too much overlapping. In that case, how should we specify the number of electors for the tourism FC?

Exactly who will be eligible? More importantly, regarding the so-called working persons, there is no differentiation between full-time and half-time workers now. Even for a person who works only an hour weekly will be regarded as working persons. How should we draw the line? For a person who has two jobs, where he works as a telephone operator in a travel agency half of the time in a week, and for the other half, he engages in activities related to the real estate industry. In this case, how should we define it? Surely, we can be selective. However, in the final analysis, when we come to the definition and eligibility for election, we must be very cautious. Otherwise, good deeds will backfire. It will not only fail to bring improvement to the representativeness of the FCs, but will also bring chaos to the FCs in the entire society.

Actually, does Dr Margaret NG intend to use the strategy of the Trojan Horse, meaning she intends to let in a wooden horse to subject all FCs to a massacre, turning the situation into a mess and chaos, resulting in knock-out competition? The situation is worrying. On the surface, she only states the wish to change, but it may end with a mess. As in the case of certain political parties, they are in a mess, too. This is really baffling. Do they really have such an intention?

Chairman, on the whole, I must again admit that we have not done our level best to promote the enhancement of individual FCs. However, at a suitable time, when there is a consensus and a good proposal, and when there is a proposal that has undergone genuine consultation, research and practice, various FCs will take action. However, at present, we only have the figures provided by the Census and Statistic Department. If we jump to the step of "drawing on the map" at this moment, concluding which industries belong to which FCs, I believe, no FC will be willing to accept it. By the same token, I do not think anyone participating in geographical direct elections will accept the arbitrary demarcation of constituency boundaries by the Government, or even the reallocation of certain areas originally in their constituency to another constituency. They will definitely stage strong opposition. The same precisely applies to FCs.

In the final analysis, there is no magic, no science; neither is there anything magical. Actually, all these figures are arbitrary. Ms Audrey EU is most correct in saying that it is arbitrary. All electoral systems are arbitrary and artificial. However, how should we define arbitrary? How can we make the differentiation?



It is by practice. This has to be settled through the wrestling among each other. You cannot casually make amendments now and claim that it is fair. Under certain circumstances, there is no fairness in politics, nor is there absolute equivalence.

We may refer to the case of other places. In Britain, the "single-seat-single-vote" system is adopted in some constituencies, but the number of electors in various constituencies is different, with some having only over 20 000 electors and some having more than 90 000. We are facing the same situation, for the number of electors in no two constituencies will be absolutely the same. It is only relatively fairer. Chairman, representativeness is the most important concern. Representativeness should be considered in all issues. In the case of FCs, the representativeness of the FC collectively ..... The representativeness and importance of the FC to the entire society or Hong Kong, and the representativeness of the members and organizations of the FC relative to the FC are the two kinds of representativeness we are now discussing. We do not merely talk about figures. If there is anyone saying that figures are an absolutely fair means, I believe only people who do not know politics or some bookworm professors will make such a remark.

I do not know politics, but I am now learning politics. I hope what I learn may put me ahead of the many colleagues who have been working for years but still refuse to admit their mistakes, failing to do what they preach. What they do cannot take Hong Kong forward, and they will only mess up Hong Kong. I would rather they do nothing. Indeed, the situation in Hong Kong is fine. Though we do not have the "one-man-one-vote" election, we enjoy much freedom and the rule of law in Hong Kong, which are protected in various aspects. We only lack "one man, one vote" in form, which can be achieved when everything falls in place. How is direct election carried out in other Western societies? They implement direct election at suitable time. Many people say that we have to design direct election, but we are indeed designing mistakes and disasters. In this world, politics cannot be designed. It has to be explored gradually over time and through history. If we are too aggressive to notch up success, we will only be designing disasters.

Chairman, I now return to the case in Britain. The existing election culture in Britain was established more than a century ago. Actually, it used to be a game

for the so-called social elites. It was only after many years, in 1902, that the Labour Party was allowed to take part. Keir HARDIE was the first worker entering the British Parliament in his worker's clothing. At that time, the system in Britain was put in place completely, and there was not much to fear about ..... The systems were already well-established. We should not be superstitious to believe in the so-called ideal design, for politics cannot be designed. Failures in politics involve lives and livelihood. One cannot work this out behind closed doors. Thank you, Chairman.

**CHAIRMAN** (in Cantonese): I would like to remind Members who intend to speak again that if you have to respond to speeches made by other Members earlier, please stick to the subject. I particularly hope that Members will not spend too much time expressing their emotions. Members are allowed to speak for 15 minutes every time, but if Members can express the 15-minute content in three minutes, I believe we will find it more wonderful.

Mr LEUNG Kwok-hung, do you wish to speak again?

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I must ask your advice when I have time. You are terrific for you can finish a 15-minute speech within three minutes.

I heard Mr Paul TSE say that politics is a process of growth and it is not invented by people. This is certainly right because politics requires will power and synergy, and it is a product of struggling and wrestling. Today, we are wrestling in this Council, which is a very unfair wrestling ring because both of my hands are tied while the others hit me with their limbs.

This Council is precisely the product of an unfair system. We have kept on fighting despite repeated defeats and we have been working hard under an unfair system. Thus, I must say a few words. I am not expressing my feelings. I have too many emotions and I need not express my emotions here.

**CHAIRMAN** (in Cantonese): Mr LEUNG, you are repeating what you have said before. Please try your best to avoid repetition.

**MR LEUNG KWOK-HUNG** (in Cantonese): All right. I have heard that public speaking skills involve repeating the speakers' words (*Laughter*) but in different ways. I will not repeat what I have said.

First, in a democratic country, politics does involve an evolution process. Some countries evolve through a revolution and some others do not. There was bloodshed even 50 years after the French Revolution before there was the Third Republic, the Fourth Republic and the Fifth Republic. We are having discussions today exactly because we do not want bloodshed.

The demarcation of constituency boundaries for functional constituencies (FCs) is difficult because the authorities have compelled functions in our society that differ in thousands of ways to accommodate the electoral system. As I have said, 20 000 FCs can be invented artificially. In other words, members of the community having certain functions are grouped under certain categories. Some of the current FCs do not make sense. For example, the FC related to some arts and culture that Mr FOK represents does not make sense. The same applies to the demarcation of regions and countries. After the break-up of Pakistan, East Pakistan later became Bangladesh. It is because the British liked to split up countries, am I right?

The crucial point of the principle of universality and equality that I am discussing is that, a similar number of electors of not very different proportions should elect a representative; it is the same whether or not they are called FCs. Is this the case with the new system that we are now discussing? It is actually not the case; so, why do we have to vote in support? I think that it is because we have an unspoken word of "trust" in the Communist Party of China (CPC). The CPC Central Committee or the Central Authorities have said that we can have universal suffrage in 2020 after the Chief Executive has successfully been returned by the universal suffrage in 2017.

What we are discussing here today ..... on the basis of my "abnormal Basic Law" yesterday, which included two provisions written on two pieces of

photocopy papers ..... in fact, the details of the evolutionary process are not mentioned. Although I do not know what the future universal suffrage will be, Chairman, I can just base on my experience and guess that the CPC, the CPC Central Committee or the Central Authorities will not deceive me.

**CHAIRMAN** (in Cantonese): Mr LEUNG, please do not repeat the remarks that should be made in June last year or during the Second Reading debate yesterday. Please focus on the current amendments.

**MR LEUNG KWOK-HUNG** (in Cantonese): You are right.

**CHAIRMAN** (in Cantonese): Please speak on these amendments.

**MR LEUNG KWOK-HUNG** (in Cantonese): GALILEO dared not make the relevant remarks in the court of Inquisition and he just said after he had stepped out of the court that the Earth was this and that .....

**CHAIRMAN** (in Cantonese): Please speak on the contents of these amendments.

**MR LEUNG KWOK-HUNG** (in Cantonese): ..... he continued to speak.

As regards Dr Margaret NG's amendments, assuming that there is full universal suffrage in 2020, it is hoped that something expected by the CPC, the CPC Central Committee or the Central Authorities could be designed in accordance with the principle of gradual and orderly progress. Is that right? We think that this is an undisputed point. I did not make this point this morning and I was speaking on revolutions this morning; please do not slander me.

What is the purpose of doing so? Assuming that there is really a universal and equal Legislative Council election in 2020, we will have an objective and we will work out a roadmap, right? What has Dr Margaret NG designed today?

Actually, it is the way to guide the allegedly universal and equal election in 2020 according to the roadmap without changing the composition of the current FCs. For this reason, Dr Margaret NG has put forward a proposal that is different from those in the past, which should be supported so long as it is moving forward. This has not violated the roadmap of the CPC, the CPC Central Committee or the Central Authorities because the timetable has been specified. This is an explicit analytical logic. Thus, it is unnecessary and it makes no sense to talk about FCs again today. If we listen to the CPC, the CPC Central Committee or the Central Authorities, we should have arrived at a consensus, right? Hence, I would like to ask Honourable colleagues what part of Dr Margaret NG's design has violated this point.

If we think that the so-called "super" — I really have not touched upon this area this morning — if we think that the super District Council FC can expand this way; on one hand, it is said that the original FCs cannot expand excessively; on the other hand, an invincible proposal has been invented by the Democratic Party intelligently, creatively and innovatively. That is the new District Council FC. Five District Council FC seats will be returned from five major constituencies. As we have noticed, while a Chinese sponge cake is sold on one side, grass jelly is sold on the other. If we really opine that the proposal of the Democratic Party indicates a direction, the grass jelly should be steamed so that it will become a Chinese sponge cake. Dr Margaret NG has played a complementary role, right? There will be an additional super FC beyond geographical direct elections; if that is happening to the ratio of 5/35, why can the other 30/35 not be changed? As you were a Mathematics teacher, you certainly understand this point .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, you are not responding to the views expressed by Members just now.

**MR LEUNG KWOK-HUNG** (in Cantonese): I will do so now. I will respond to the views expressed by Mr Paul TSE. Since it is said that politics is a process of natural growth or the outcome of wrestling, I will assume that it is so. Chairman, as you frequently tell us, we should only talk about what happened on 25 June on the first anniversary of 25 June. Yet, that is not the case, as things

will continue to develop. Let us consider this point calmly. Mr Paul TSE talked about the arbitrariness of FC electors; we have also noticed the arbitrariness of electors of geographical constituencies (GC). You certainly have wise ideas and thoughts about the arbitrariness of GC electors. You will definitely say that we are just talking about the arbitrariness of FC electors. My answer is: Arbitrariness itself is not arbitrary for some persons may be beheaded. Let us look at modern European history beginning from 1840, and we will find that there was bloodshed whenever a parliamentary system was established.

We do not want any bloodshed in Hong Kong, we do not wish to see any bloodshed in Hong Kong, right? Therefore, we have designed a proposal not entailing bloodshed. On this point, we can clearly see that arbitrariness, as Mr Paul TSE has mentioned, has a certain limit. According to him, "everything is relative". There is absolute relativism and the absolute is only present in the relative. Let us talk about relativism — these are philosophical issues but nobody here can understand them — let us simply discuss relativism and take into account the ratios of 5/35 and 30/35, we will find that FCs are disproportionate, right? The CPC, the CPC Central Committee or the Central Authorities has mentioned the ratio of 35/70 and 35/70, which cannot be changed. Hence, Chairman, we should now consider how arbitrariness can be minimized. Minimizing arbitrariness is the same as enhancing universality; this is a philosophical concept. As arbitrariness comes from concreteness, and universality is not ..... Buddy, all these are within the scope of philosophy. When we enhance universality, there will not be concreteness, and there will be less arbitrariness. When arbitrariness becomes universality, arbitrary concepts will become universal concepts. For this reason, Dr Margaret NG has enhanced universality, right? In other words, so long as anyone that can be included will be included as the registered electors of those FCs .....

**CHAIRMAN** (in Cantonese): Please do not express universal views arbitrarily and please focus your speech on the views of other Members.

**MR LEUNG KWOK-HUNG** (in Cantonese): Yes, Chairman, I will heed your advice, and I wish that I will not fail to hear your instructive words.

Why would I support Dr Margaret NG though I will not vote in support of her amendments in a while? You must understand that, we must give our reasons under certain premise, be it major or minor premise, and I have made inferences. In that case, I would like to ask Honourable colleagues who frequently commented that I spoke loudly and ferociously to resolve this dilemma. If they cannot do so, I have only one suggestion for them — there are many coffee shops in Central and they may have coffee there; they may also answer the call of nature ..... I have so many books here and I can lend the books for them to read as long as they leave the Chamber. If there is concreteness once and contingency once, the universal problem could then be solved.

I thank the Chairman for his advice. You are really intriguing.

**MR ABRAHAM SHEK** (in Cantonese): Chairman, there was much for me to gain after listening to our debates these two days.

Mr LEUNG Kwok-hung regards Dr NG as the Member he most respects, and Mr Albert CHAN also considers Dr NG as the most kind-hearted Member. I agree that she is a Member who makes great efforts. She has spent a lot of time working out these Committee stage amendments (CSA), so that we can have the opportunity to debate on this issue today.

Here, I will not continue to discuss about functional constituencies (FCs) or whether FCs should be retained. However, Chairman, I will approach Dr NG's CSAs from a certain angle. If the Civic Party wants to exterminate — I should use the word "abolish" — FCs through the "resignation *en masse* of Members from five constituencies" campaign, now it is the Member who proposed the abolition of FCs to move the CSAs, I think that she is pitiable. She is a person of principle; she feels as though she is falling from heaven to hell when she has to depart a little from this principle. Chairman, we should respect her in this connection. Therefore, I will not criticize any proposals made by Dr NG.

Nevertheless, why am I speaking? Concerning the CSAs under debate, I believe that we must consider the fundamental principles. As Hong Kong is now under the framework of the Basic Law, we must support the Basic Law. According to the Basic Law, no matter whether we want to abolish FCs or amend the arrangements relating to FCs, as the Basic Law has specified the relevant

procedures, we must handle matters according to these procedures. Mr WONG Yuk-man has just made this point very clear.

Nonetheless, as I have observed, it seems that some are attempting to amend the Basic Law through the enactment of local legislation by such means as pulling off a monumental hoax and reviving something dead in a new guise. Chairman, this is a significant problem. Perhaps I should not think this way but it is hard to make the situation clear. From the angle of small-circle election, I also support democracy and universal suffrage. They have my full support. Will there be FCs in the future? I am not sure but since the Central Authorities have granted us election by universal and equal suffrage, I will accept it and have confidence in it.

Nevertheless, about the CSAs just proposed by Dr Margaret NG, I doubt if she wishes to reverse the entire Basic Law system through the enactment of local legislation. We Members uphold the Basic Law, thus, I find it very difficult to accept. Chairman, from this angle, I will not support her. Even it is not from this angle, I will not support her. I hope ..... Chairman, it is most important for us to put emphasis on integrity. If the Civic Party wants to abolish FCs, why would she act this way? I would simply act like Mr WONG Yuk-man and "Long Hair", saying I will not support her after talking heaps of nonsense. But what is the use of it? What is the difference between these two and me? I will eventually support the Government after giving it a dressing down. Why should I put myself on her level? Chairman, this shows that her purpose is not right.

Chairman, we Members should do something for Hong Kong and China, our country, but our focus should be to make full use of our strength in this Council to enable the public to live and work in peace and contentment. About FCs, many FC Members do not support me even when I am expressing the views of the FC that I represent. On one occasion, 45 Members voted against me. But I think they did right because this is exactly the essence of the entire democratic system. Only in this way can we move forward. Various sectors will then understand that besides Members returned by geographical direct elections, FC Members will also ..... Everyone will understand more. Only in this way can we build a harmonious society.

For example, Mr LEUNG Kwok-hung — he is present now — I respect him because he has said that — citing Chairman MAO's comment — "revolution, revolution is not giving a treat". Dr NG is not giving a treat now, and she is just



inviting us to share a table with her though this is out of the question. How can that be? We must understand that even if she is giving a treat, we will feel bad to accept her offer. I want a reform but not in the way she suggests. Her approach to the reform will make FCs neither fish nor fowl. In her eyes, a bowl of porridge stinks when "cockroach droppings" are added to it. In that case, why has she added water to the porridge and then asked others to eat it with her? From this angle, it will not work.

She should not do these things. Instead, she should do the things that she should do, that is, to fight for the abolition of FCs. We support her in this fight but we will raise objections (*Laughter*), so, let us fight at the platform. She cannot secretly ..... support and make minor changes, and then ask the others to support her. If so, it would be similar to Brutus hitting Julius CAESAR with a knife. Although she is not my friend, she stabs me in the back and stabs me again in the front. She might as well attack me with a chopper in the front. I will not mind as I can take precautions. She should not do something that makes us fail to take any precautions. She should not act this way.

Chairman, though I will not criticize her CSAs at all, the problem is that, if revisions are made following her CSAs, FCs will be there forever. It is impossible to contract the FCs subsequent to their expansion. If we are to destroy something, we cannot expand it first. On the contrary, we should contract it first and destroy it in the end. This is the strategy to be adopted if we are really to abolish FCs.

As Paul just said, she has adopted a strategy similar to the Trojan horse in Greek mythology. When she loses, she secretly uses the strategy of the Trojan horse to do destruction. Why bother? She should show us that she is open and aboveboard. If a fight is necessary, all of us should fight together, just like Mr WONG Yuk-man and "Long Hair". Though "Long Hair" tries to defend her, he does not support her after defending her. He does not want to act like certain FC Members. (*Laughter*) I really do not want to discuss it after hearing about it. Chairman, we are only interested in fighting a battle here openly. The way he acts now is not something reasonable. Why should he degenerate to this point? No wonder Mr WONG Yuk-man and Mr Albert CHAN have withdrawn from his political party. (*Laughter*)

Chairman, another point I would like to make is about Mr Albert CHAN's remark of "ugliness". He said that all 60 Members present here were evil. I

fail to see the evil of the 60 Members, but I do see many ferocious persons.*(Laughter)* Mr Albert CHAN is one of them. Chairman, to improve our system, we must sit down and discuss how it should be revised. It is only convincing when two thirds of the votes can be obtained under the framework of the Basic Law. Very often, I support what Ms Audrey EU has said. Very often, I support most of Honourable colleagues' proposals. I also support proposals concerning people's livelihood or other aspects. I will give my support so long as I think that they are correct. We do not represent ..... all of us think that if Hong Kong does well, the industries will do well. How can the industries do well if Hong Kong does not do well?

Let me give a very simple example. Will I not give my support if we are now discussing the Home Ownership Scheme (HOS)? I am the first to step forward to ask the Government to reinstate the HOS. Why should FCs be criticized as good for nothing? It is actually not the case. All of us sitting here are colleagues. If a Member finds another Member wrong, he can just explain matters to him. He can teach him, like teaching a child, by his own actions, and not saying one thing and doing another. Such a way of do things is unacceptable.

Chairman, we should comply with the Basic Law in everything we do. If any person wants to make amendments, he must do so under the framework of the Basic Law instead of doing it through the enactment of local legislation, seeking to make such amendments by the change of concept. Otherwise, the entire framework of the Basic Law will collapse.

Thank you.

**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, I understand very well that Dr Margaret NG has proposed this set of amendments and the two other sets of amendments to be discussed in a short while because she wants to broaden the electorate base of traditional

functional constituencies (FCs), and replace "votes" with "individual votes". However, as I said during the resumption of Second Reading debate earlier on, if we replace "organization votes" and "corporate votes" with "employee's votes", this will indeed change the essence of traditional FCs. With such a major gesture, it will be very difficult for a consensus to be reached inside and outside the Legislative Council, and going through a process is necessary. I believe that we must go through this process in the coming eight to nine years. From 2011 until 2020 when the Legislative Council will be returned by universal suffrage, we must determine how to deal with FCs, and how to ensure that the legislature will be established in 2020 under the principle of universality and equality in accordance with the Basic Law.

During the discussions in the Bills Committee, Dr Margaret NG has worked meticulously and submitted some papers. Nevertheless, there is only a one-page explanatory paper, explaining the amendments to the 18 FCs. Of course, the amendments are set out in the appendix of the paper. In terms of the Government, the policy bureau submitted some detailed papers when it explained the amendment proposed to the Bills Committee. Yet, Members still find it inadequate even though detailed explanations have been given. As I have observed today, the representatives of different traditional FCs and other Members have further asked what the logic is. This question is fair, reasonable and appropriate.

After going through these amendments, I have observed that, though these amendments proposed by Dr Margaret NG are based on the "nine new FCs" proposal made in 1995 during the period when Chris PATTEN was Governor, her amendments have even broader impacts than the "nine new FCs" proposal. At that time, our workforce of 2.7 million persons made up nine new FCs, so it was called the "nine new FCs" proposal. Among the 21 other FCs at that time, apart from the professional sectors, those FCs adopted the "organization votes" had their one "corporate vote" or "organization vote" replaced with six "director's votes". Nonetheless, the amendments proposed by Dr Margaret NG today make use of the workforce concept to introduce changes to 13 FCs in one go. Thus, it has broader impacts than the proposal all these years ago. Dr Margaret NG has proposed to replace the "corporate votes" of the four major chambers of commerce with six "director's votes". For this reason, the representatives of traditional FCs will ask whether they will be affected and how they will be affected. These are reasonable questions, similar to Mr Paul TSE's question

about whether there is any overlapping. As we often need to prepare electoral rolls, we think that there may be overlapping after going through the amendments. Taking Dr Margaret NG's amendment to clause 6A as an example, in the labour FC, members of trade unions will replace the "organization votes" of the trade unions. As far as I understand, these trade unions have hundreds of thousands of members now, and these hundreds of thousands of members of the labour groups will naturally be part of our workforce.

As currently proposed, the employees of different FCs will replace the "organization votes". There is overlapping between vegetable, flower and fruit growers and those in the agricultural sector. Yet, it does not mean that the issue cannot be dealt with in the case of overlapping. Within the existing FCs, if a person is a lawyer cum accountant, he can choose to join either FC.

I would like to mention in passing that these amendments are complex and have profound impacts, thus, we need to carefully discuss the issue together if we are to reach a consensus in this Council. This is a technical issue. Nevertheless, we discussed policies last June. Last year, our overall basic consensus was that fundamental changes would not be made to the electorate base of traditional FCs. Instead, we should mainly broaden the electorate base of FCs through the five new District Council (DC) FC seats. Three million and two hundred thousand registered electors will return these new seats. We are now promoting further democratization. The SAR Government knows that it must deal with the issue of traditional FCs. Therefore, we already stated in 2007 that we would comply with the Basic Law and the principle of universality and equality in implementing universal suffrage for the election of the Legislative Council in 2020.

How would we comply with the principle of universality and equality? There are several theories — some advocate abolishing all FCs and replacing them with geographical direct elections; some advocate retaining FCs and allowing them to nominate candidates for all registered electors to vote. What is the difference between these two policy directions? It lies in that if FCs are retained, will the right to nominate and the right to stand for election be extensive enough? Will it be truly universal and equal? These fundamental debates cannot reach a resolution within a short time as this will change the Legislative Council in Hong Kong and bring profound impacts to the overall governance of Hong Kong; so, I believe the public are highly concerned. Politics is the "art of the possible". Now that we can have more than three fourths of the Members of

the Legislative Council supporting the "one-person-two-votes" proposal, we should put this hard-won consensus into practice.

Chairman, I wish to go on to discuss that, one half of the seats of the Legislative Council are currently returned by FCs and the other half by geographical direct elections; how can this achieve a balanced participation? A balanced participation is a very important concept. There are representatives returned by geographical direct elections and representatives returned by various FCs in this Council. When the Government introduces a bill or a financial proposal, we must seek the support of Members from different sectors and districts before it can be passed. This would ensure that the policies and measures implemented by the Government would be effective in practice and have broader public support.

Therefore, a balanced participation are not just empty words but a very meaningful principle. At the same time, we should not assess FCs only on the basis of the number of registered electors, be it functional bodies or individuals. It is because traditional FCs include chambers of commerce, professional bodies and trade unions, which are all very important to our society. We should respect and attach importance to them.

Chairman, I am going to answer the questions asked by several Members. Prof Patrick LAU asked what "one person, two votes" meant. Will it ensure that electors other than the 230 000 traditional FC electors will have the "second vote"? The answer is clearly yes; 3.2 million people will have the "second vote".

Nonetheless, 230 000 traditional FC registered electors will have the right to choose to either remain in traditional FCs such as their own professional FCs, or become electors of the five new DC seats. We respect the personal choice of the electors.

Today, Dr Raymond HO has said again on behalf of the engineering sector that young engineers or engineering graduates who have yet obtained professional qualifications should be included as the electors of the engineering FC. I understand that he is reflecting the views of his sector. I gave a response yesterday according to principles and facts, and there was nothing derogatory. I know that he has devoted all his attention to fighting for his sector and reflecting the views of his sector.

In addition, Mr Andrew CHENG and several Members have again indicated that they do not support these five new DC FC seats as they think that this will rationalize FCs. In my opinion, the word "rationalize" will put a label on these five new seats. I respect Members' position of not supporting the existence of FCs, and I respect Members' disagreement to the creation of these five new seats. Yet, Members should not use the word "rationalize" to replace the truth to "democratize". The creation of five new seats is a democratic step; 412 elected DC members can nominate one another to stand for election, and 3.2 million registered electors can elect these five representatives in the Legislative Council. No matter how you see it, you cannot deny that this is a democratic step. For this reason, if Members have to debate and fight for democracy in Hong Kong, they should try their best to tell the truth and present the facts, and engage in reasoning rather than resorting to labelling as a camouflage technique.

Chairman, I think that those participating in politics must think and act in the same way. If any political parties or groupings such as the Civic Party oppose the creation of the five new DC FC seats, they have to explain the reasons to their colleagues in the Legislative Council and the public. Why should the electorate base of traditional FCs be broadened now? In creating the DC FC, 3.2 million registered electors will return five representatives, but since this FC is in essence a traditional FC, they think that this proposal is unacceptable even though it is just a transitional arrangement, then why have they advocated and proposed amendments to broaden the electorate base of the existing traditional FCs by including a workforce of millions of people? This shows a disconnected logic, so, some Members have asked the Civic Party for an explanation and their questions make sense.

On the other hand, if any political parties or groupings oppose the creation of these five new DC FC seats — they opposed when the 2012 package was passed last year, and they oppose today when we introduce the local legislation on the Legislative Council election in 2012 — will these political parties or groupings stand for election when these electoral arrangements are implemented in September next year? Mr Andrew CHENG has asked if the Civic Party is prepared to stand for election, and I think that his question makes sense. Chairman, I wish to bare my true feelings. Since the SAR Government will arrange for the Legislative Council election in 2012, be it geographical direct elections, the five new seats elections or traditional FC elections, we welcome members from political parties or groupings or independent persons to stand for

election. It is because I believe that in the case of the election in Hong Kong, when there is competition, there is progress; and the election will become more equitable, just and open when more political parties and groupings participate in the election in 2012. Following the election in 2012, we will have better conditions for promoting further democratization of the Legislative Council election in 2016 and realizing the election of the Chief Executive by universal suffrage in 2017.

Chairman, I so submit.

**DR MARGARET NG** (in Cantonese): Chairman, Mr Abraham SHEK has said that revisions must be made to functional constituencies (FCs) under the framework of the Basic Law; I would respond to this point first. Evidently, he has not read the revised Resolution of the Standing Committee of the National People's Congress. Annex II to the Basic Law never intervenes in the way in which we deal with FCs, and it only contains provisions on FC seats. In accordance with Article 68 of the Basic Law, if the Legislative Council is eventually formed by universal suffrage, obviously all FCs should be abolished. For this reason, my amendments comply fully with the Basic Law. We have repeatedly said that the composition and electorate base of FCs are within the scope of local legislation, and it is the SAR Government's business. Nevertheless, I understand that Mr Abraham SHEK is making oblique accusations as we all tacitly understood. Therefore, I will not spend too much time on responding to it.

What the Secretary has said is rather surprising. He has asked us why the explanatory paper on these amendments is only one-page long while the Government's papers are in great detail — some of these papers are actually one-page long only. Chairman, at the meetings of the Bills Committee, I have repeatedly suggested that the Government should not hastily resume the Second Reading debate on 2 March. It is because the Government has just presented its views, and Members who want to propose amendments have to give explanations, as well as allow other Members and the Bills Committee to have sufficient discussions in order to make the debate today truly meaningful. Yet, the Secretary has said no and clung obstinately to his course. Thus, we have no alternative but to burn the midnight oil in order to propose these amendments. Miss Elsie LEUNG has also said that the "nine new FCs" have not violated the Basic Law. We asked the Secretary what his views were, and asked for

information on the number and distribution of people in the industries. All this was raised and discussed in the Bills Committee. Mr Paul TSE has just admitted that he has not fulfilled his responsibilities as he has not gone through all the papers. He has not had time to go through all the papers because many things have happened in the tourism sector. Every Member is certainly very busy; and everyone is also very busy. It is not true to say that I have not tried to put forward the issue for discussion. It is just that I cannot force Members to have discussions.

Chairman, please do not tell us such things today. We have already tried our best and fulfilled our responsibilities fully under the framework set up by the Government and the chairman of the Bills Committee. Just now, the Secretary has remarked that these amendments will have significant impacts on FCs, which is true. The Secretary has said that we must reach a greater consensus before doing so. I proposed long ago how FCs could be changed. The Secretary has said that discussions must be held in the community before the reform of FCs. Nonetheless, the Civic Party and I are not the ones who have not raised the issue for discussions in the community; the Government and Members from other political parties and groupings have not done so. For this reason, the proposal is intact and returned today, which has nothing to do with us. Within very limited room and time, we have fulfilled our responsibilities and tried our best, with a view to ensuring that the legislation will not turn unrepresentable even when the Bill is passed.

Chairman, the Secretary has commented that he does not understand our logic, because since we have not supported FCs and asked for their abolition, why have we put forward so many amendments to and views on FCs? Chairman, I fully understand that. The Bureau would like Members to have this attitude: If you disagree with us, you will boycott; if you totally with us, we will not oppose. Indeed, things would be easy to handle this way. If we are to boycott, the Government can do whatever it likes with these five seats, as though it has entered the no man's land. It is a political choice as to whether we should have fights in this Chamber or we should give up debates and leave. I am not against other Members' boycott actions but the Civic Party thinks that we have the responsibilities to convey the views of some electors.

On the first day of our debate, I have mentioned the co-signing action of some academics. They think that amendments are needed at some places but only Members have the right to propose amendments. Hence, we have argued



strongly on just grounds and proposed the amendments here today. I know that, after the Secretary has said so, he has to spend very long time sitting in this Chamber listening to opinions that he is unwilling to hear. Frankly speaking, I have also listened to many opinions that I am unwilling to hear but that is my responsibility. Although we will leave one day, please do not encourage others to do so.

Chairman, the amendments we are discussing today aim to replace "organization votes" with "individual votes" and involve 13 FCs. Why is there so much resistance to my amendments? Some even think that I have changed the essence of FCs. Exactly what is the essence of FCs? Members who have spoken in the debate have actually raised only two points: To offer professional advices and to cater for the overall development of the sector. Why must there be "organization votes" instead of "individual votes" to serve the purpose of offering professional advices and catering for the overall development of the sectors? We can listen to the opinions of Mr CHAN Kin-por from the insurance sector. According to him, only those from the insurance sector can put forward the views of the insurance sector. If practitioners are included, there will be 80 000 to 90 000 electors. In the election where Mr CHAN Kin-por was elected, there were only 141 electors. It can be said that the insurance FC has the smallest number of electors other than the agriculture and fisheries FC. He has said that he does not understand how the sector will do better when 80 000 to 90 000 practitioners are added.

Actually, the amendments I propose will not cause Mr CHAN Kin-por the loss of his existing electors. Instead, the number of electors will increase. According to what Mr CHAN Kin-por has said, the insurance sector has 80 000 to 90 000 practitioners. In that case, are we now not depriving 80 000 to 90 000 people of the opportunities to cater for the sector and reflect the interests of the sector?

I consider Ms Miriam LAU's remarks more important. Ms Miriam LAU has referred to the "nine new FCs", saying that the "nine new FCs" included the transport FC, which comprised "individual votes". In the election, she had to fight for the votes of working persons and found that what they wanted most was her help to solve the problems related to labour disputes, that is, issues of the labour sector.

I deeply understand from the remarks of the two Members why "organization votes" but not "individual votes" are preferred. It is because their

basic concept is that — as I have said earlier on — firstly, only the professionals can offer valuable opinions conducive to the development of the sector, so, the electorate cannot be "diluted"; secondly, the overall development of the sector is the business of bosses and operators but not the business of other working persons in the sector.

Why are there two separate levels of interests in the same sector? After the meeting was closed yesterday evening, I asked Mr CHAN Kin-por this question: "Were the present operators of insurance companies former practitioners?" Every practitioner basically wants the sector to do well. It is not that wage earners do not want their respective sector to do well. If the sector is not doing well, the wage earners and working persons will also not gain anything. How can the sector see an overall development? Every working person has to make contribution. In this regard, they will definitely give some useful advices.

We will not want to switch our job when we find that a certain sector is doing better. When we have joined a certain sector, we definitely want the sector to do well. For this reason, it will be unreasonable to say that "organization votes" and "operator's votes" must be retained and working persons should not be allowed to vote for the purpose of offering professional advices and catering for the overall development of the sector. Chairman, working persons include employees and employers. If we abandon and exclude some working persons so that only bosses remain, it is a superior state of mind, thinking that only bosses can safeguard the interests of the development of the sector. In other words, there are two categories of people. While directly-elected Members cater for the interests of the grassroots, FC Members cater for the interests of the upper class, professionals and bosses.

Chairman, the concept of FCs is divisive in nature, looking at working persons through tinted glasses. Precisely because of this discrimination, there is all the more reason for abolishing "organization votes".

Chairman, my definition of working persons in the relevant sectors does not exclude bosses, and employers can also vote. This is inclusive but our current practice is divisive. That is why the Secretary has just said that there will be significant impacts on governance if my amendments are passed. I agree with him because the current system has intensified class antagonism, making it necessary to consolidate class antagonism in the Legislative Council. This also

reflects that, in essence, FC Members in this Council should not be antagonistic to directly-elected Members; yet, there is antagonism in the end, which affects people's livelihood. Hence, these amendments have very important impacts on governance.

I have learnt from the newspaper this morning that Mr JIA Qinglin, Chairman of the Chinese People's Political Consultative Conference (CPPCC) has released a work report of the Standing Committee of the CPPCC. I find a statement in the report very important: "Livelihood issues are not just important economic and social issues but also significant political issues." Hence, if FCs today continue to have "organization votes", the political system leading to divisiveness will continue to be retained; and working persons (other than the operators) will continue to be regarded as not qualified to discuss the development of the sector and to offer professional opinions. I am afraid that this problem is going to get worse because we are creating class conflicts.

Chairman, having listened to the speeches of so many Members, I have become more determined ..... Of the 28 FCs, 18 adopt "organization votes" and 13 of them deliberately discriminate against working persons, which has too strong an impact on us. Therefore, I really think that we must take decisive actions. Even if Honourable colleagues vote against these amendments today, the public will continue to have discussions. They will continue to ask: Should FCs — those based on "organization votes" and cannot be changed a bit — be abolished earlier?

I hope that such discussions will heighten the awareness of the members of the community. Thank you.

**CHAIRMAN** (in Cantonese): Two Members have requested to speak again and I believe that they would like to respond to the points made by Dr Margaret NG just now.

Before calling upon these Members to speak, I shall remind them to be as concise as possible. Besides, I wish to state clearly that I will call upon Dr Margaret NG, the mover of these amendments, to speak for the last time before I put the question to Members. Thus, I will call upon Dr Margaret NG to speak again after other Members give their responses.

**MR PAUL TSE** (in Cantonese): Chairman, I absolutely understand and respect the right of Dr Margaret NG as the mover of the amendments to deliver the closing remarks. I also respect our usual practice, so, I will not respond to any of her remarks. I just wish to clarify the point just made by Dr Margaret NG, saying I have mentioned that I have not gone through all the papers. When I really meant is that, apart from studying carefully those parts about the tourism FC and the legal FC, I did not have the chance to go through carefully other parts of the papers about the other FCs. That is what I really meant to say and I would like to put that on record.

**MR CHAN KIN-POR** (in Cantonese): Chairman, I also want to say something in response. Yesterday evening when I was going downstairs from the first floor together with Dr Margaret NG, it was fewer than 30 seconds, but she has expressed so many opinions just now. I even did not have enough time to discuss with her the questions I asked before I left through the main entrance. Therefore, what Dr Margaret NG has just said does not sufficiently reflect the true contents of our conversation yesterday evening.

However, what I wish to say is that I do not understand why despite our discussion for several hours, Dr Margaret NG still fails to understand that the present structure of functional constituencies (FCs) are intended to balance the interests of the grassroots, the middle class and the business sector. We have to understand that various sectors have their own interests. It is impossible to obtain a consensus, and conflicts are inevitable. We must achieve checks and balances through seeking an equilibrium before we can get the support of the grassroots and the business sector, so that we can join hands to create a successful society.

I find it really strange that when Honourable colleagues talk about these relations in this Council, they always wish to pursue harmony but they always think that the others are sowing discord and discrimination. I search my heart and ask: To take insurance companies as an example, how much do you understand us? As she does not even understand the insurance sector, how can she understand the 10-odd FCs? I really think that she just wants to broaden the electorate base for the sake of broadening it. In fact, she is a very typical politico — I should never use the word "politico" — a person engaged in politics,

who simplifies matters. It is very difficult to put things into practice. It is also a headache for me and I have to give Honourable colleagues explanations from time to time. I know that FCs have many deficiencies, and I want to broaden the electorate base to achieve the genuine objective. Nonetheless, the interest of the grassroots, the middle class and the business sector must have a balance in this Council. If she can think of a way, I will immediately give her my full support.

For this reason, we have to understand that we should not simplify complicated matters. There is this tendency in Hong Kong where people blame everything on class struggle, discrimination and elitism. On the contrary, I am worried that the label of elitism will make people oversimplify the matters, denying the hardship of those working in society. As we have seen, the Secretary conducts many consultations for every issue, but he is still severely criticized afterwards. This proves that it is really hard to do something practical in our society today, and it is definitely not as simple as we imagine. If you understand, you will not simplify everything.

I think it is absolutely impracticable to accept these amendments. I hope she will eventually understand that this Council does not aim to discriminate but to balance the voices of the grassroots, the middle class and the business sector. If her approach is the same as that of the grassroots ..... we already have 30 directly-elected Members and it is not as if the grassroots have no representative here.

I sincerely told her our actual difficulties yesterday evening. If over 1 million electors are all practitioners, who will represent the bosses? There are too few bosses or members of the management team, how will workers and bosses consider issues at the same level? They have completely different way of thinking. I am just one of the representatives. This is actually the case in every sector. If she can think of a way to allow the middle class and the business sector to have representatives, I will be very delighted to accept it. I am also pleased to see the implementation of universal suffrage in Hong Kong. I will definitely be delighted when everyone is happy.

Yet, before reaching this stage, we can only do our best to enable this system to work well and slowly improve along with the process. I hope that when she suggests a way next time ..... we will think along with her to see who

can think of a better plan first, which can ensure the business sector or the middle class will be represented.

**CHAIRMAN** (in Cantonese): I understand that various Members may have strong views on this subject. If Members want this debate to continue, I cannot stop them. However, Members have to understand that their remarks would cause other Members to give their responses.

(Mr LEUNG Kwok-hung raised his hand in indication)

**CHAIRMAN** (in Cantonese): Mr LEUNG, you may speak again but please be as concise as possible.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, since I am speaking to you but not others, so there is no need for a response. Chairman, you cannot respond to me, and I have to make it clear first.

**CHAIRMAN** (in Cantonese): Mr LEUNG, please be as concise as possible.

**MR LEUNG KWOK-HUNG** (in Cantonese): Yes. First, Mr Paul CHAN ..... Mr CHAN Kin-por said Dr Margaret NG did not understand. Yes, Dr Margaret NG does not understand. It is very simple. Even in an election by universal suffrage, when an insurance practitioner or a boss of an insurance company runs for the election and wins, he may be sympathetic to workers. What if this is the case? According to his comments, universal suffrage will never be implemented, for the political stances have to be checked first and then the political stances or interests will be divided accordingly.

As I explained earlier, true FC election is most favourable to the grassroots, am I right? Since there are over 3 million workers, the number of Members elected must be greater than that of other sectors by proportion. Hence, the minority will always be suppressed in the FC system, but the situation today is

just the opposite. I do not need to say much about this. Why did the Estates-General ..... the Third Estate override the nobles or the clergymen?

**CHAIRMAN** (in Cantonese): Mr LEUNG, please be as concise as possible.

**MR LEUNG KWOK-HUNG** (in Cantonese): He does not understand. Hence, the bourgeoisie invented the universal suffrage approach. How did it work? Since they had the advantage in wealth, knowledge and culture, they could ..... You may say that they were cheating, or that they handed over the leadership to workers, and were elected to suppress the workers in order to fool the workers. Frankly, people who were devoid of knowledge should hold their tongue. If FC election is implemented truly according to the principle of proportion, it will be most favourable to the grassroots, but the present situation is just the opposite.

**CHAIRMAN** (in Cantonese): Mr LEUNG, you have made your point very clear.

**MR LEUNG KWOK-HUNG** (in Cantonese): If you want to be the representative of the bourgeoisie, you should have the representativeness. Buddy, do not claim so lightly, you have to respect yourself. I .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, you have already expressed your views.

**MR LEUNG KWOK-HUNG** (in Cantonese): I am speaking to you only .....

**CHAIRMAN** (in Cantonese): Would you please allow Dr Margaret NG to give her response?

**MR LEUNG KWOK-HUNG** (in Cantonese): ..... I am not targeting Mr CHAN Kin-por. I am targeting a wall and I hope there will be an echo. But I will not ask for it for you say you will not allow any echo. Never mind. I am only targeting you. I am referring to you. It is you who do not understand.

**MR LEUNG YIU-CHUNG** (in Cantonese): Chairman, regarding the amendments proposed by Dr Margaret NG, as I said yesterday, no matter how much efforts are made, no matter what method is adopted to expand the existing FCs and increase the types of electors included, it will be in vain. The problem lies in that they are still FCs after all. I do not see how this can lead us to universal suffrage on the road to democracy. Hence, yesterday, at the voting on the Second Reading of the Bill, I voted against it. I do not intend to vote later, for I do not think this approach can promote democratization.

I remember Secretary Stephen LAM said in his reply to my question on the ways to achieve democracy that along with the increase in the number of electors, the opportunity would increase. However, I do not think it is that simple. The increase in the number of electors will not necessarily enhance democratization. The most important point is that .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, please speak on the relevant amendments. We have been discussing these amendments for six hours, and Dr Margaret NG has made the concluding remark, so please speak on the content of these amendments as far as possible.

**MR LEUNG YIU-CHUNG** (in Cantonese): Chairman, this is the first time I speak on the relevant amendments today. After hearing the questions put forth by Mr CHAN Kin-por, I would like to make myself clearer. I know he wants to seek a relatively moderate direction, hoping there will be a balanced, instead of a tilted, participation of various strata in the legislature. However, he thought that there were some problems with the ways for the expansion of FCs. What is the gravest difficulty faced by FCs? They are classified by occupations. How can we allocate the seats in the legislature according to all the occupations in a fair



manner? Members all know that the number of people engaging in different work types varies .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, I do not think it is the time to debate the merits and demerits, or the retention or abolition of FCs. Besides, I believe the views you put forth have been discussed and stated repeatedly in this Council. Please be concise as far as possible and speak on the amendments we are now dealing with.

**MR LEUNG YIU-CHUNG** (in Cantonese): Chairman, you require me to speak on the effects or functions of FCs, but if I do not mention those issues, I cannot bring out my points. I think the most difficult issue is that we do not mean to wipe out FCs, only that we do not know how to allocate the seats among the great number of work types and industries in a fair, effective and suitable manner. In my view, the objective of allowing the integration of various strata in the legislature will in no way be achieved through FCs. This can only be achieved by democratic election with extensive coverage. So, on this premise, I cannot support any amendments, for there will not be any breakthrough under FCs that will lead us on the road to democracy.

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

**DR MARGARET NG** (in Cantonese): Chairman, I understand that many views have been discussed repeatedly. Now, even if I speak for another 15 minutes, I will not be able to turn the tide. Instead, I hope all Members interested in examining the corporate votes of FCs will study the speeches of Mr CHAN Kin-por and Ms Miriam LAU in particular. I hope they will read the verbatim record, so that they can carry out more substantial and concrete discussion in future, rather than simply discussing the definition.

First, I would like to offer my apology to Mr CHAN Kin-por. In my earlier speech, all but one remark was said by him in this Chamber when he spoke for the first time. That remark was about a question I asked him when I went downstairs. I asked him whether he used to be a working person of the

insurance sector. This is not an infringement of the privacy of Mr CHAN Kin-por. However, if this makes him uncomfortable, I apologize to him formally.

Mr CHAN Kin-por said that he looked forward to an inclusive proposal. The amendments I proposed are indeed inclusive, for working persons include members of the entire sector, and employers are not excluded. Hence, I am not proposing the expansion for the purpose of expansion. I seek to eliminate certain parts that will intensify conflicts and divisions in governance, and the element of privilege. This helps us remove one of the obstacles for abolishing FCs. When the Government can no longer offer privilege to certain people, or when those sectors stop protecting unilateral interest and suppressing the other side to deprive their representativeness, FCs will become less significant to the ruler. Its significance may be reduced to a point where people consider it unnecessary to retain FCs. Hence, when I propose these amendments, I consider it from the perspective of removing the obstacles for abolishing FCs as far as possible.

Chairman, I have to thank the many Members for speaking over and over. However, I do not intend to do so. I hope Members supporting me will vote for my amendments today. I express my gratitude to you all. As for Members who cannot support my amendments today, I hope you will think about them carefully again after listening to the speeches from Members and support this approach of mine in future. Chairman, actually, we do not have the opportunity to put forth these provisions, but since they are linked to other major parts, I have mentioned them in the discussion. If Members consider my approach of basing on the Hong Kong Standard Industrial Classification is imperfect, I hope Members will suggest some other approaches. However, the most important issue is the abolition of "corporate votes", to be substituted by "individual votes". Thank you.

**CHAIRMAN** (in Cantonese): I now put 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. 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 LI Fung-ying and Dr Joseph LEE 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, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Prof Patrick LAU, Dr LAM Tai-fai, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted against the motion.

Geographical Constituencies:

Mr Albert HO, Mr Fred LI, Mr James TO, Ms Emily LAU, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Mr WONG Sing-chi, Mr Alan LEONG and Miss Tanya CHAN voted for the motion.

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr Frederick FUNG, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan, Dr Priscilla LEUNG and Mr WONG Kwok-kin 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 and 21 against it; while among the Members returned by geographical constituencies through direct elections, 22 were present, 11 were in favour of the motion and 10 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 negated.

**MS MIRIAM LAU** (in Cantonese): Chairman, I move that in the event of further divisions being claimed in respect of the remaining provisions of the Legislative Council (Amendment) Bill 2010 or any amendments thereto, this Committee do proceed to each of such divisions immediately after the division bell has been rung for one minute.

**CHAIRMAN** (in Cantonese): I now propose the question to you and that is: That the motion moved by Ms Miriam LAU be passed.

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

**DR MARGARET NG** (in Cantonese): Chairman, I mentioned earlier that regarding the voting on the amendments to this Bill, I hope that the ringing of the division bell will not be shortened to one minute, for a number of Members have scattered in various locations in the Legislative Council Building. Actually, a number of amendments to be dealt with later are relatively straightforward, but one or two amendments are concerned about principles, Chairman, I thus oppose

shortening the ringing of the division bell from three minutes to one minute.  
Thank you.

**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 as stated. 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.

(After the division bell rang for three minutes)

**CHAIRMAN** (in Cantonese): Since the electronic voting system is out of order, I now suspend the meeting.

3.37 pm

Meeting suspended.

3.43 pm

Committee then resumed.

**CHAIRMAN** (in Cantonese): The division bell will again 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:

Ms Miriam LAU, Mr Tommy CHEUNG, Mr Vincent FANG and Dr Joseph LEE voted for the motion.

Dr Raymond HO, Dr Margaret NG, Mr CHEUNG Man-kwong, Mr LAU Wong-fat, Mr Abraham SHEK, Ms LI Fung-ying, Prof Patrick LAU, Dr LAM Tai-fai, Mr CHAN Kin-por, Mr Paul TSE and Dr Samson TAM voted against the motion.

Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Mr IP Wai-ming, Mr IP Kwok-him and Dr PAN Pey-chyou abstained.

Geographical Constituencies:

Mr Albert HO, Mr James TO, Ms Emily LAU, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Dr Priscilla LEUNG, Mr WONG Sing-chi, Mr Alan LEONG, Mr LEUNG Kwok-hung, Miss

Tanya CHAN, Mr Albert CHAN and Mr WONG Yuk-man voted against the motion.

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan and Mr WONG Kwok-kin abstained.

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, 11 against it and 10 abstained; while among the Members returned by geographical constituencies through direct elections, 23 were present, 15 were against the motion and seven 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 negatived.

**CHAIRMAN** (in Cantonese): As the earlier motion of Dr Margaret NG has been negatived, she may not move the additions of the relevant new clauses to the Bill, and she will not move the amendments to clauses 7, 8, 9 and 32 to 36. We will go to page 9 of the script.

I now put the question to you and that is: That clauses 7, 8, 32 and 36 stand part of the Bill.

**CHAIRMAN** (in Cantonese): 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): Secretary for Constitutional and Mainland Affairs, you may now move the amendments.

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Chairman, I move the amendments to clauses 9, 33, 34 and 35.

*Proposed amendments*

**Clause 9 (see Annex II)**

**Clause 33 (see Annex II)**

**Clause 34 (see Annex II)**

**Clause 35 (see Annex II)**

**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 9, 33, 34 and 35 as amended.

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That clauses 9, 33, 34 and 35 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.

**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 clause 3 together with new clauses 6D, 6E, 6F and 6G.

**CHAIRMAN** (in Cantonese): I order that Council do now resume.

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 clause 3 together with new clauses 6D, 6E, 6F and 6G.

**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 clause 3 together with new clauses 6D, 6E, 6F and 6G.

**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 6D	Section 20P substituted
New clause 6E	Section 20Q substituted
New clause 6F	Section 20R substituted
New clause 6G	Section 20S substituted.

**CHAIRMAN** (in Cantonese): Dr Margaret NG has given notice to move the additions of new clauses 6D, 6E, 6F and 6G, as well as the amendment to clause 3 to add the definition of "relevant persons".

**CHAIRMAN** (in Cantonese): If the amendments moved by Dr Margaret NG to add new clauses 6D, 6E, 6F and 6G are passed, she may move the amendment to clause 3 later.

**CHAIRMAN** (in Cantonese): Dr Margaret NG, you may now move the motion.

**DR MARGARET NG** (in Cantonese): Chairman, I move the Second Reading of new clauses 6D, 6E, 6F and 6G.

Chairman, this is the second set of amendments to abolish "corporate votes" of functional constituencies and substitute them with "individual votes". This set of amendments involve four functional constituencies, namely commercial (first), commercial (second), industrial (first) and industrial (second). The approach adopted is to substitute the corporate vote of these functional constituencies with the "director's vote" or "partner's vote". Among these four functional constituencies, some have "individual votes" and "corporate votes, but some do not have "individual votes". Let us look at these provisions. I dare not suppose Members have gone through the paper this time. Let me cite an example. In clause 6D, "section 20P substituted", and repeal the "Composition of the commercial (first) functional constituency", it reads, "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". The votes will be turned into "individual votes" in this way.

Chairman, in clause 3, the part I have not yet moved, a definition has been made for "relevant persons" under subclause (3). Since some members are limited companies, partnerships, sole proprietors, organizations or bodies, different definitions are made for different types of companies or organizations. For instance, in the case where the member is a limited company, "relevant

persons" refer to six members of the board of directors of that company. Members may look at the other definitions. In the case where no directors or partners are registered electors, "relevant persons" refer to the members of the senior management of that company. In short, there are very clear definitions under the law stating which kind of person's individual votes will substitute corporate votes.

Chairman, there is no need to explain this change in detail, for it has been discussed in society for some time. Many people consider the corporate vote approach unsatisfactory, and they think these votes can be changed to "director's votes" easily. As such, I propose these amendments at the Committee stage today. I have mentioned these amendments at the scrutiny of the Bill, and Members are quite familiar with these amendments. I implore Members to give their support. My amendments will neither increase the number of electors in a large scale nor expand the electorate base substantially. In principle, they are "individual votes" and they are persons with the right to vote. It can also avoid the problems of one man having a number of votes, and one man casting one vote on behalf of a number of companies. Despite the expansion of the scope of functional constituencies, "relevant persons" can only have one vote of their choice.

Chairman, with these remarks, I hope Members will support these amendments.

**CHAIRMAN** (in Cantonese): I now propose the question to you and that is: That new clauses 6D, 6E, 6F and 6G be read the second time.

**CHAIRMAN** (in Cantonese): Members may now have a joint debate on the original provisions, the amendments moved by Dr Margaret NG, as well as the proposed new clauses.

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

**MS MIRIAM LAU** (in Cantonese): President, this set of amendments proposed by Dr Margaret NG seek to substitute corporate votes with predominantly "director's votes" or "partner's votes". As I said at the Second Reading debate, this is in line with what the Liberal Party has been lobbying and fighting for over the past few years. We hope that the scope of "corporate votes" of functional constituencies (FCs) can be expanded to include the directors or partners of each company in addition to individual voters, so as to increase the number of electors. The Liberal Party has made a proposal in the past, advocating a ceiling of six directors or partners in each company as electors. Although Dr Margaret Ng has not set a ceiling in her amendments, we find her proposal acceptable because what she advocates is in line with what the Liberal Party has advocated in the past few years, that is, consideration should be given to expanding the electorate base of FCs with priority given to directors, partners or people at managerial level as electors. Hence, based on this reason, the Liberal Party will uphold our advocacy of revising the FCs and support this set of amendments proposed by Dr Margaret NG.

**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 speaking further on this set of amendments, I wish to again express my appreciation of different political parties and groupings for putting forth alternative proposals after examining the Bill tabled by the Government. I thus welcome the Civic Party for proposing a colossal of amendments, which enables Members of the legislature to debate subjects of common concern. As the saying goes, "Listen to both sides and you will be enlightened." I believe Members' different views are conducive to future discussions. Dr Margaret NG indicated earlier that it would create inconvenience to colleagues of the Administration if we are kept here to listen to the debate. I beg to differ with her. We have already reserved these few days for this Legislative Council meeting. We leave home early in the morning and arrive home late in the night. Just like members of the industry Mr Paul TSE represents, we depart by a morning flight and back by a night flight.

Chairman, I wish to return to the subject. The electorate base of functional constituencies (FCs) is designed in accordance with the Basic Law. Annex II to the Basic Law specifies that Members are returned by FC elections as well as geographical constituencies through direct elections. Annex II to the Basic Law also stipulates that the delimitation of functional sectors and corporate bodies shall be specified by an electoral law introduced by the Government and passed by the Legislative Council. Hence, under the Basic Law, legal persons such as corporate bodies and companies can be prescribed with the right to vote. Certainly, this issue has been under repeated discussion over the past decade or so, and to date, a consensus has yet been reached on the discussion of substituting "corporate votes" or "organization votes" with "director's votes" or "executive's votes". I believe Members will continue discussing this subject.

Some time earlier, for instance, in 2009 a think tank conducted an opinion poll during our public consultation. According to this opinion poll conducted by the Bauhinia Foundation Research Centre in January 2010, over 60% of the interviewees did not support the substitution of "corporate votes" with "director's votes". This is the latest information I can provide to Members. Chairman, I still hold that when the constitutional reform package for 2012 was endorsed last June, the general consensus, though not a full consensus, reached by Members in this Council was that the newly-created FC seats be returned by District Council members, and elected by 3.2 million electors. We deem that is the most appropriate method to return the seats of the next Legislative Council.

**DR MARGARET NG** (in Cantonese): Chairman, perhaps I have read too fast just now. I thank the Liberal Party for its support. As regards whether the number of persons has been defined in clause 3, it has been laid down in the definition of "relevant persons". Actually, at first I also asked why it had to be six persons, and now I know that the number is proposed by the Liberal Party. I do not quite mind the number of persons. If Members think that six persons are appropriate ..... Rather, it is a matter of principle because we do not want "corporate votes". We want "director's votes".

As regards the Secretary's remark pointing out that 60% of the interviewees disagreed, the survey result he cited is inconsistent with the result of a survey

conducted by DEGOLYER, which found that 70% to 80% of the people wanted the abolition of "corporate votes". This is a very respected and sophisticated survey. I thus hold that purely from the perspective of public opinion, this Chamber is a place which represents public opinion. This is a technical amendment after all. The right to vote, in fact, still resides in the company. In principle, there is no ground for disagreement.

As regards the super ..... Sorry, I mean, as the scope of electors of the District Council (second) FC is expanded, there is no need to introduce an amendment. I believe the Secretary only proposes it as a routine. Apart from routinely voicing my objection, I have nothing more to say. Thank you, Chairman.

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That new clauses 6D, 6E, 6F and 6G 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, Mr Vincent FANG, Dr Joseph LEE and Dr LEUNG Ka-lau voted for the motion.

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr CHAN Kin-por, Mr IP Kwok-him, Mr Paul TSE and Dr Samson TAM voted against the motion.

Mr IP Wai-ming and Dr PAN Pey-chyou abstained.

Geographical Constituencies:

Mr James TO, Ms Emily LAU, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Mr WONG Sing-chi, Mr Alan LEONG and Miss Tanya CHAN voted for the motion.

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan and Dr Priscilla LEUNG voted against the motion.

Mr WONG Kwok-hing and Mr WONG Kwok-kin abstained.



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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 27 were present, eight were in favour of the motion, 17 against it and two abstained; while among the Members returned by geographical constituencies through direct elections, 19 were present, nine were in favour of the motion, seven against it and two 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 negatived.

**CHAIRMAN** (in Cantonese): As Dr Margaret NG's motion has been negatived, she may not move her amendment to clause 3.

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That clause 3 stands part of the Bill.

**CHAIRMAN** (in Cantonese): 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.

**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 new clause 6A ahead of other clauses.

**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 in order that this Committee may consider new clause 6A ahead of other clauses.

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That Rule 58(5) of the Rules of Procedure be suspended in order that this Committee may consider new clause 6A ahead of other clauses.

**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.



qualified as voters. My amendment seeks to change the electorate base of the labour sector to allow these members to cast their votes directly. I urge for Members' support of my amendment. Thank you.

**CHAIRMAN** (in Cantonese): I now propose the question to you and that is: That new clause 6A be read the Second time.

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

**MR WONG KWOK-KIN** (in Cantonese): Chairman, the Hong Kong Federation of Trade Unions adopts an open attitude on this issue. However, as the amendment has not undergone any prior formal consultation or extensive discussion in society, nor has it been discussed in the labour sector, we cannot support this amendment today. Yet, we do not rule out the possibility that we will continue to hold discussion and consultation on this issue in future. 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, as I have said earlier in the debate, the importance of different functional constituencies (FCs) and their influence inside and outside this Council cannot be gauged only by their number of organizations or individuals registered as electors.

The labour-sector representatives in the Legislative Council include three Members returned by the labour FC and other Members returned by direct elections who represent the working class. They have all long been fighting for the rights of the grassroots, reflecting their views and voicing their aspirations to the Government. They often become the critical few in this Council. In handling social, economic and livelihood issues such as the setting of a minimum

wage, the Government attaches great importance to their views. Hence, despite the fact that they are now elected by few hundreds of organizations, they actually represent several hundred thousands of workers and they are also a very effective means to reflect views in the community. Although they are now returned by indirect election, they have fully played their crucial part. We thus do not think this amendment is necessary.

Chairman, I so submit.

**DR MARGARET NG** (in Cantonese): Chairman, I regret to hear Mr WONG Kwok-kin say that the amendment has not undergone any consultation. In fact, I have proposed this amendment for a long time and proposals of substituting organization votes with individual votes have also surfaced in society for some time.

Chairman, I beg to differ with the Secretary's remark. He said that what members the organizations had was not an issue. In fact, this is not the reason. Even if individual votes are adopted, they can still extensively represent the labour sector because those who are most concerned about the sector will naturally get registered.

As regards the point that Members of the labour functional constituency represent several hundred thousands of workers, they are indirectly elected, involving an additional step. Apart from organization votes, why should functional constituencies require the arrangement of indirect elections? Hence, Chairman, I do not think the Secretary's explanation has any ground at all. He only has more votes today. Chairman, I regret to find this attitude of perpetual objection having no regard of the reasons. Thank you.

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That new clause 6A 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 LI Fung-ying and Dr LEUNG Ka-lau 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, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Prof Patrick LAU, Dr LAM Tai-fai, Mr CHAN Kin-por, Mr IP Kwok-him, Mr Paul TSE and Dr Samson TAM voted against the motion.

Mr CHIM Pui-chung, Mr Paul CHAN, Mr IP Wai-ming and Dr PAN Pey-chyou abstained.

Geographical Constituencies:

Ms Emily LAU, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Mr WONG Sing-chi, Mr Alan LEONG and Miss Tanya CHAN voted for the motion.

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan and Dr Priscilla LEUNG voted against the motion.

Mr WONG Kwok-hing and Mr WONG Kwok-kin abstained.

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 27 were present, four were in favour of the motion, 19 against it and four abstained; while among the Members returned by geographical constituencies through direct elections, 18 were present, eight were in favour of the motion, seven against it and two 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): Clause 12.

**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 clause 12 together with new clause 3A.

**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 in order that this Committee may consider clause 12 together with new clause 3A.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That Rule 58(5) of the Rules of Procedure be suspended in order that this Committee may consider clause 12 together with new clause 3A.

**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.

**CLERK** (in Cantonese): New clause 3A                      Section 18 heading amended.

**CHAIRMAN** (in Cantonese): Dr Margaret NG has given notice to move an amendment to clause 12, as well as the addition of new clause 3A.

**CHAIRMAN** (in Cantonese): If Dr Margaret NG's amendment to clause 12 is passed, she may later move the addition of new clause 3A.

**CHAIRMAN** (in Cantonese): Dr Margaret NG, you may move your amendment.

**DR MARGARET NG** (in Cantonese): Chairman, I move the amendment to clause 12.

I wish to explain to Members that clause 12 provides for the five seats of the District Council (second) FC to be returned from five constituencies or from a single constituency. My amendment is that they should be returned from five constituencies; and one Member for the District Council (second) FC from each constituency. Clause 3A is purely a technical amendment. Thus, as the Chairman said just now, if the substantial amendment to clause 12 is not passed, the technical amendment to clause 3A shall not be moved.

I believe Members are very familiar with this subject. Irrespective of whether it was during the debate of the constitutional reform package, or the scrutiny of the relevant Bill by the Bills Committee, Members of different sectors had put forward various views. As for the stance of the Civic Party, we are of the view that the super seat itself is a very retrogressive concept. Regarding the

issues of nomination and candidature, we will wait until the discussion of the next item of the amendments. However, I think something is very wrong with the entire concept, and that is, Members of the five seats will be elected by over two million people, but the nomination and candidature of these five seats are restricted to 412 persons only.

First of all, the most important and the most fundamental issue is the right to vote being split into three. Besides, if Members are returned from a single large constituency, the relationship between the elected Member and his electors will be more distant. This is the first issue.

Second, the larger the constituency, the less beneficial it will be to independent candidates or those representing small political parties in the election. We have mentioned the issue of the maximum amount of election funding during our discussion. I know that a Member will put forward an amendment later which seeks to amend the regulation on the maximum amount of election funding so that the regulation will be more lenient. Chairman, the existing proposal of the maximum amount of election funding is \$6 million. Of course, if we calculate what the level of maximum amount of election funding should be in accordance with the number of electors in the constituency concerned, it seems that \$6 million is a figure concluded from calculation with grounds. It is exactly because of this that I think if the territory is not divided into five constituencies, irrespective of whether a maximum amount of election funding is put in place, an enormous price has to be paid ultimately. As a matter of fact, even if there are five constituencies, the amount of election funding involved is already very high. We have mentioned the relevant amount reaches \$2 million ..... is it \$2 million? If there are five constituencies, the amount for each constituency will be as high as over \$2 million ..... the constituency of Hong Kong Island is over \$2 million. The amount for some other constituencies is over \$1 million. Thus, even if it is just one of the constituencies, the amount of election funding involved is very substantial. If five constituencies are grouped into a single large constituency, the amount needed will be even more substantial.

I have also heard some views claiming that though a maximum amount of election funding is put in place, it does not mean that the entire amount has to be spent, because that is not the minimum amount, so it does not mean that at least

we have to pay this price. Besides, in the past, there were Members whose amount of election funding was relatively small, but they still were elected.

However, when election campaigns have to be organized in such a large constituency as Hong Kong, I think it is impractical and hard to believe if you say that the issue of election funding will not arise, and that is, election funding, irrespective of whether they are large or small amounts, will not matter that much. Large amounts of advertisement fees, as well as fees for distributing publicity leaflets are involved. Given that publicity leaflets can be printed in simple designs that do not cost too much money, distributing publicity leaflets is already the least expensive among all election-related activities. However, once substantial amounts of election funding are involved, groups or political parties with abundant resources will enjoy advantages and edges which will be unfair to others.

This is particularly so when an actual situation has already emerged in Hong Kong now, and that is, political parties of the pro-establishment camp are much easier in soliciting sponsors from the business sector or other people. But the pro-democracy camp encounters greater difficulties when they raise funds for elections, solicit donations for election or party funding. Why is that so? As a matter of fact, this is related to the issue we discussed earlier concerning whether the Chief Executive should be allowed to have political party background. If a Chief Executive with political party background is not allowed, a negative view of believing something must be wrong with someone with political party background will prevail in the community. This is particularly so with political parties which oppose the Government. Chairman, there is a very weird comment, what actually do we mean by being "politicized"? The act of supporting the Government is not regarded as being politicized, but criticizing the Government is labelled as being politicized. I am not going to discuss whether this is right or wrong, but indeed, these viewpoints exist in society, making it difficult for the pro-democracy camp or those political parties/groupings and small political parties that are willing to criticize the Government to raise funds for election.

Thus, if there is only a single large constituency in the election, apart from making it easier for the large political parties of the pro-establishment camp to secure support and raise sufficient funds, it will also give rise to a celebrity effect,

that is, it will be easier for those candidates with greater popularity or those who are more known to the public to be elected. It will be more difficult for other candidates to be elected.

Chairman, during the discussion on these new seats, the Government has more than once put forward the view that by increasing the number of seats, it is hoped that more people will be encouraged to engage in politics, with particular emphasis on grooming new comers in the political arena. If substantial amounts of election funding are required, it will be by no means easy to attract new comers to stand for election. Thus, I think even if the five seats are returned from five constituencies in the election, significant difficulties will emerge, but it will be better than five seats being returned from a single large constituency. Therefore, I put forward this amendment with the intention and hope that the election will be more open. But it does not mean that we support the creation of these seats. I think there is no need for me to repeat again and again that although we do not support the creation of super District Council seats, we will make every effort to amend the most undesirable element of the system in a responsible manner. Thank you, Chairman.

*Proposed amendment*

**Clause 12 (see Annex II)**

**CHAIRMAN** (in Cantonese): Members may now debate the original provision, the amendment moved by Dr Margaret NG, and the proposed new clause jointly.

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

**MR IP KWOK-HIM** (in Cantonese): Chairman, this proposal is the most controversial issue when we were discussing the constitutional reform package. Is there actually a need to create the super seats or adopt the revised District Council (DC) package?

In this regard, the Decision of the Standing Committee of the National People's Congress (NPCSC) must be adhered to. According to the relevant requirement, with the increased number of seats returned by geographical

constituencies (GCs) through direct elections, the number of seats returned by functional constituencies (FCs) will also be increased correspondingly so as to retain the original ratio. Members may recall that the original proposal of the Government was to increase five DC FC seats which resulted in a total of six seats, and to have all such seats returned by election of DC members among themselves. At a later stage, the revised package was put forward by the Democratic Party. Subsequent to many discussions in the Legislative Council and the community, it was finally passed. The relevant package relates to FC election, so during the discussion process, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) was of the view that in order to achieve the objective of FC election, the seats must be returned by a territory-wide election.

Have we considered the proposal of adopting the electoral method of dividing the territory into five constituencies as put forward in Dr Margaret NG's amendment? The answer to this question is, if this method is adopted, the electoral model adopted for these five seats will be the "single-seat-single-vote" system, and not the proportional representation system. These five unique DC seats created under the revised package will become another district election in the five constituencies. And in this election process, the public will find the election results of this district election very confusing. We think that if the election is really implemented in this way, it may violate the NPCSC's Decision. It may not comply with the requirement specified by the NPCSC of simultaneously increasing seats both returned by GCs through direct elections and by FCs. Thus, in studying whether the revised package should be supported, we made careful and thorough consideration and concluded that it was necessary for the election to adopt the mode of a single large territory-wide constituency.

Dr Margaret NG has mentioned that the larger the constituency, the more distant the relationship; the larger the constituency, the heavier the workload involved; the larger the constituency, the more the funding required; thus, it is inappropriate to adopt this electoral method. We are of the view that reforms of the existing political system need to be implemented in a gradual manner. As a matter of fact, according to the experience of implementing "one person, two votes" in foreign countries, one of the votes is also cast in a nation-wide election. Among the countries I visited, many do have this experience. For instance, in Germany, the second vote of the electors is cast in a nation-wide election. In a nation-wide election, is it certain that there will be problems such as the larger the

constituency, the more distant the relationship, the heavier the workload, and the bigger the burden on funding?

Problems certainly exist. In our over-six-hour discussion on the development of political parties earlier, we can see that problems do exist. However, looking from another angle, for relatively more active political parties, there are advantages in implementing a territory-wide election. It can also help the gradual maturity of political parties in Hong Kong. Thus, the DAB will not support Dr Margaret NG's amendment. Thank you, Chairman.

**MR LEE WING-TAT** (in Cantonese): Chairman, this amendment put forward by Dr Margaret NG is the only amendment not supported by the Democratic Party. This involves the divergent views between us.

First, I mentioned party politics when I spoke two times yesterday. My stance of this subject is very clear, and that is, the design of the political system and the ideal operation of the Government are, in fact, interrelated. I am most respectful to the current independent Members and Members whose political parties are represented by only one seat in the Council. However, from the angle of the operation of the political system, there should not be too many Members who do not belong to any political parties. This will create great difficulties to the operation of the Government. I believe Hong Kong is one of the relatively special regions where actually there are so many Members who have no political affiliation or who do not belong to any groups. I talked about this stance yesterday, so I am not going to repeat it. In simple terms, if we are in favour of party politics, we will agree that there are merits in the existing design. In terms of a territory-wide election, if you are an independent District Council member, or do not belong to a political party with a good foundation, it will indeed be rather difficult for you to stand for election.

If we assess the issue from a broader perspective, when there is a genuine election of the Chief Executive in the future, and it is a territory-wide election, it will be difficult for individuals and those who do not belong to any groups or political parties to stand for election. Thus, similarly, there will be difficulties. That is why I do not think it is necessary to divide the territory into five constituencies because of this reason.

Second, this design itself is not new at all. Mr IP Kwok-him has given an explanation of this just now. As pointed out in the proposal put forward by the Democratic Party to Secretary Stephen LAM many years ago, if one day — we hope that this day will really come — if all the Legislative Council Members are returned by a territory-wide universal suffrage in 2020, we agree that the electoral model of Germany should be adopted.

In other words, I hope that by that time there will be 80 seats returned by direct election, among which 40 seats will be elected by geographical constituencies (GCs) through direct elections, and the remaining 40 seats will be returned from a single territory-wide constituency with the proportional representation system. The objective of the latter proposal is that, as I explained my stance many times before in the Council, I agree that there should be representatives of the industrial and commercial sectors in the Council. However, I hope that they will be returned by direct election. I agree that the Council should be composed of Members of different propensities and backgrounds, so that even though different views may not be absolutely reflected, they will be discussed as much as possible here. According to the electoral model of Germany, if 40 seats are returned by a nation-wide direct election, candidates from the industrial and commercial groups will be able to secure one or two seats even when their votes just reach a few percentage points. Based on our analysis, if there are 40 seats instead of the five seats now, ethnic minority groups may be able to secure seats through a single large territory-wide constituency, so that representatives of the Indian, Pakistani or Nepalese nationalities will be able to join the Council. This will be beneficial to the Council.

This has all along been the view of the Democratic Party. It is not a view put forward now. I believe Secretary Stephen LAM knows all along we have this view, which was put forward by YEUNG Sum and I back then. Based on this analysis, I have also persuaded people from the industrial and commercial sectors to stand for direct election, telling them if this electoral model is adopted, there is a possibility that they may win even if they run in direct election.

Third, I also agree with the point that it is indeed difficult to completely resolve the issues brought about by a large constituency and a small constituency. The merit of a small constituency is that it is possible to build a very close contact with electors. However, insofar as the situation of Hong Kong is concerned, the

smaller the constituency, the district-wise interests involved may have influence on the decision of our Legislative Council colleagues. Leaving aside other issues, I will take the issue of incinerators as an example. I once put forward a very bold proposal which did not represent the stance of the Democratic Party. Back then I had not heeded the views of the Democratic Party; instead, I suggested that incinerators should be built in each of the five districts in Hong Kong, that is, New Territories East, New Territories West, Kowloon East, Kowloon West and Hong Kong Island, so that further controversy would be deemed unnecessary. Who would have expected that this proposal brought about instant condemnation from other political parties? He opposed the proposal and asked why incinerators had to be built in his constituency. My view was that since garbage was produced by all of us, how could we refuse building the facility of incinerator? The problem was that the Member who opposed the proposal was a directly-elected Member returned from a large constituency. The Member who condemned me was not elected by tens of thousands voters, but hundreds of thousands voters. Some constituencies in the United Kingdom are very small, with a total number of tens of thousands or a hundred thousand electors only. However, our Legislative Council Members returned by direct election by hundreds of thousands voters were actually worried that facilities disliked by a very limited number of voters would be implemented in their respective constituencies, and were actually crying at the top of their voices in opposition to the proposal. Let us give this a thought. If the constituency is sub-divided, what will happen then?

I agree that in a smaller constituency, the relationship between candidates and electors will be closer. However, insofar as the present situation is concerned, the distant relationship between electors and Members created by five constituencies or a single large territory-wide constituency is not much different from the situation of the universe known to me according to my limited knowledge, and that is, irrespective of whether the planet is 30 000 light-year or 40 000 light-year away, the distance between the planet and us is just as distant, so distant that we can hardly imagine.

I have been elected in New Territories West for more than one term. Mr Albert HO and I have all along divided up the work among ourselves. He has concentrated in handling the work in Tuen Mun and Yuen Long districts while I have focused on serving the electors of Kwai Tsing and Tsuen Wan districts. But I have already found it very difficult to cope. In Kwai Tsing, Tsuen Wan



and the outlying islands, there are already 1 million residents. Even if I devote my efforts in handling district matters each day, my contact with these 1 million residents is not very close. I have to go through a process of selection before I can decide to take up which of the various district work. Thus, insofar as Members returned from a single territory-wide constituency are concerned, although the number of electors has increased two to three times, the difference is actually very small in this regard.

Chairman, we would also like to point out here, we have all along believed that if the Legislative Council election involves a substantial number of votes, and territory-wide electors are able to participate in it, looking from a certain perspective, this will provide a good chance of practice. As a matter of fact, politics needs practice too. If the situation is really what we believe it to be, let us fight for it together, and hope that universal suffrage will genuinely be practised in the election of the Chief Executive in 2017. Then what we are deficient of is a chance for electors throughout the territory to undergo a practice of politics together, when electors will be able to make their own choice from among various candidates in the same election. Thus, we believe the adoption of this electoral model which provides a preparation for a similar election will have certain benefits.

Chairman, regarding the demarcation of constituency this time around, with the vastness of the constituency and the large number of electors, it is natural that a larger amount of money will be spent. It can be said that the election funding of this election will not be affordable by members of the general public. I have engaged in election-related activities of Hong Kong for many years, and I have always insisted that election funding must be kept to a level as low as possible. Thus, I have all along had reservation about using television advertisements for publicity. I have never agreed to this American style of electoral method. Thus, please do not say that the Democratic Party will definitely support the American practice. This is the practice I have been opposing since the first day I joined the Council. I have stood for election for many years, and I have rarely received electoral support from the industrial and commercial sectors; in other words, having them sponsored my election funding. I am not saying that I have never had their support at all, but the proportion is extremely small to the extent that it has not constituted the major part of my election expenses. What is the benefit it brings to me?

Insofar as someone like me who belong to the poorer section of the middle class is concerned, I have totally not relied on the assistance of large enterprises and organizations, but have relied on my own meager savings and small amounts of funding subsidies from the Democratic Party to stand for election. At present, I do not even have any subsidies from the political party at all. This is because I am an incumbent Member, so I cannot receive subsidies from the Democratic Party. Despite the fact that I can only rely on personal savings, the amount of money I spent on the previous several elections in New Territories West was only about \$800,000 to \$900,000 in each election. This amount was about 30% to 40% of the maximum amount of election funding that reached \$2.5 million, which could be said to be a very frugal electioneering campaign. However, no matter how frugal my campaign was, I was not comparable to Mr LEUNG Yiu-chung. In his most frugal campaign, he used only \$300,000 to complete his entire electioneering campaign. This is really remarkable. I have much admiration for him. It is impossible for me to do that, and I really have no idea how he could be so remarkable. Surely it does not mean that he was using toilet paper to publish election leaflets. Of course, this was not the case at all. But he could really use \$300,000 to \$400,000 to complete the entire electioneering campaign. It seemed that he only used \$400,000 to \$500,000 in the last electioneering campaign.

To implement a sizable electioneering campaign really needs a lot of money. However, according to my personal experience, implementing a territory-wide electioneering campaign needs to mobilize \$2 million to \$3 million only. Based on the principle of economies of scale, it is possible to do that. If those candidates have a certain level of support, and do not stand for election purely to join the chorus, of course, I must not criticize others without grounds, because everyone has his own right, we cannot say others stand for election simply to join the chorus. But if the candidate has a certain level of support, he will have the opportunity to secure 100 000 to 200 000 votes in a territory-wide election. In other words, given that the Government will provide \$12 of subsidy for each vote, a candidate who has the opportunity to secure a reasonable level of votes will probably receive about \$1.5 million to \$2 million of government subsidy. If he can win, according to the analysis of certain people, the candidate who succeeds to rank first may secure as high as 300 000 votes. Since the Government has amended the regulation in this regard, basically he will be able to recover the total amount of his election funding. Thus, I am of the view that if the issue of funding is handled in an appropriate manner, ordinary members of political parties and members of the

general public still have the chance to stand for election. This is my analysis. Thank you, Chairman.

**MR RONNY TONG** (in Cantonese): Chairman, today is the third day of our discussion on this subject. So, I do not wish to talk about the merits and demerits of the relevant package or amendments. I only wish to express my stance from the broader perspective of principle.

Chairman, if someone asks whether there are imperfections or whether there are some unacceptable details in this constitutional reform package, the answer is absolutely positive. This is because the constitutional reform package, unfortunately, is not the so-called "top-down" approach in response to the aspirations of the public, or a package readily accepted by those in power. On the contrary, it is a product of political tussles, a package concluded by different parties after assessing their own losses and gains. Each party can only assess from its own angle, after which it makes a political judgment, considering whether the gains from it are worthwhile, and whether the losses can be accepted temporarily.

Chairman, I believe from the perspective of Beijing, its considerations are the same. Chairman, I have not mentioned the SAR Government, because my participation made me believe that the participation of the SAR Government was minimal. Until the very last day, the Chief Executive was still telling me not to indulge in vain hopes, and that it was impossible to work things out. Indications given to us by friends from Beijing, on the contrary, made us carry it through.

Do Beijing and the pro-establishment camp in Hong Kong applaud and gladly accept this package? The answer is absolutely negative. Chairman, we only need to see, and I clearly remember, on the Thursday evening six days before we casted our votes, at 4 pm on the day of the debate between Donald TSANG and Ms Audrey EU, the comments made by Elsie LEUNG to reporters on television, to understand from her expression how difficult it was to conclude the package, and how difficult it was for Beijing to accept it.

Chairman, since this is the case, the only thing we can discuss is, should people of Hong Kong accept this as a political judgment? Chairman, insofar as those who walk on the same path of the pro-democracy camp (certainly including

the Civic Party) are concerned, if they have not taken part in this process and therefore consider this political judgment incorrect or not worthy of accepting, I can fully understand their view. The only thing I fail to understand is, even though they disagree with it, why do they use this as their reason to vehemently attack other comrades? However, this probably is just a case of an individual, or even some emotive discussions, which are not worthy of further discussion here.

Chairman, the only thing I wish to say is, as a matter of fact, this constitutional reform package is not a proposal without any grounds, or something taken casually from the air. It is all traceable, with a line and a direction. This is an undisputable fact, irrespective of whether Members agree with it not. Chairman, I have explained more than once that the entire concept and the line started when the pan-democratic camp reached a consensus in 2007. Based on this consensus, the Alliance for Universal Suffrage was established in 2009, and the roadmap was formulated. Other people can disagree to it, and of course, those who did not join in can all the more to do so, and can even query the chance of its success.

Yesterday — sorry, probably this morning; as the meeting is too long, I have forgotten for the moment whether it was this morning or yesterday — when the leader of our party, Mr Alan LEONG asked whether Members thought universal suffrage could be achieved in this way. According to him, it was really indulging in vain hopes. He put it in a more subtle way, more subtle than Dr Margaret NG put it. It seemed that he described it as .....

(A Member made a reminding remark)

"Unrealistic romantic". Chairman, people like us, who are "thick-skinned" and used to be rebuked by others think it is no big deal to face such criticisms. However, irrespective of how you consider this "unrealistic romantic", after all, this possibility does exist. Compared with the possibility of forcing Beijing to kneel and seek a settlement by staging street protests and mass campaigns adopted all along by the pro-democracy camp, I believe the possibility of success through this "unrealistic romantic" effort is higher than assuming the goal can be achieved by relying on mass campaigns only. Chairman, I am not saying that they are useless. I have said that many times just now. What I have in mind is that the two should be complementary. On the one hand, we can organize mass campaigns, and on the other hand, we can rationally fight for it

under the institution of system and constitution. However, the views of many colleagues are not like that. But it does not matter.

Chairman, what I wish to say is that, this one small step is totally in keeping with the roadmap formulated by the Alliance for Universal Suffrage. As a matter of fact, whether it will be successful or otherwise in the future does not hinge on whether the roadmap exists or not, but on whether the pro-democracy camp will be able to march towards the same goal with concerted efforts. If one party goes to the left while the other party goes to the right; if one party follows its own roadmap while the other party believes all roads are roadmaps, the chance of success will be quite slim, just as Mr Alan LEONG said. However, this is not that important. Now that we have taken this step, we have to take a firm step forward. If it fails in the future, at least I personally do not have any guilty conscience because I have tried my best.

Chairman, the constitutional reform package is passed already. But the Civic Party is proposing an amendment through Dr Margaret NG. There is a major conflict between this amendment and the constitutional reform package. Chairman, I will not use the wording of "run counter to", but I think there is a major conflict. And there is also a major conflict between this amendment and the Decision of the Standing Committee of the National People's Congress (NPCSC) made in 2007. So, it is difficult for me to support the amendment. I believe Dr Margaret NG will have many chances to rise and speak for many times. After speaking this time, I will not speak again.

I listened to Dr Margaret NG's speech yesterday. Given that I look at the issue from a macroscopic perspective, I cannot agree to what she said. As far as I understand, the rationale of Dr Margaret NG is that when all electors of a functional constituency (FC) further nominate from among the electors to stand for election and the votes are cast by the electors of the same FC, there is nothing wrong with such a practice, and therefore it does not run counter to the Decision of the NPCSC. I respect her view. However, by the same token, according to this logic of hers, it follows that all Members returned by universal suffrage are Members of FC, because all those who participate in the election by universal suffrage are electors from the same FC, nominations are made by electors of the same FC, and those who stand for election come from the same FC. This can be said to be the universal suffrage FC. I think this kind of discussion is meaningless.

I think that the only thing we should know and consider is not all these irrelevant arguments, or citing the wording of Mr Alan LEONG, a kind of "romantic argument". What we have to consider is the actual situation. Since there is the Decision of the NPCSC, and the view of Beijing is different from our view (it cannot be said that its view is 100% incorrect), under such a situation, unless we really start an uprising, otherwise I cannot see there is any concrete way to overturn the Decision. Chairman, since this is the case, even if I am wrong, or even if I am very wrong, it is impossible for me to support this amendment.

**MR FREDERICK FUNG** (in Cantonese): Chairman, I speak in support of the amendment proposed by Dr Margaret NG.

My view is different from that of Mr Ronny TONG. Everyone knows that the Hong Kong Association for Democracy and People's Livelihood (ADPL) voted in favour of the constitutional reform package last June. I think the focus of this amendment is whether the new seats should be returned from a single large constituency or from five constituencies. If we approach the issue from this angle, we are discussing the difference of the demarcation of constituency boundaries. Of course, we do not know whether Dr Margaret NG's amendment will be passed later in the meeting, thus, for the time being, we cannot discuss who actually will be the nominators, whether they will be District Council members or all of the electors in that constituency. Looking from this perspective, at the moment I do not know whether this runs counter to the definition of the so-called "functional constituency" as put forward by the Government. Of course, insofar as the definition of "functional constituency" is concerned, the Government has its own interpretation, while some friends from the legal sector have other interpretations. What actually is the definition of the traditional "functional constituency"? Does it mean that only certain people among electors have the right to nominate, otherwise it will not comply with the definition of "functional constituency"? However, the fact is not like that. For instance, I can see that in the legal sector, lawyers have the right not only to nominate, but also to vote, right? With respect to the definition of "functional constituency", I am not a person from the legal sector; thus, looking at the issue from this angle, I really do not understand why it cannot be so.

Chairman, I am sorry, I am coming back to the subject of whether the seats should be returned from a single constituency or five constituencies. From the perspective of a single constituency or five constituencies, it is even more difficult for me to see if there is a conflict between this and the functional constituency. Although we held meetings with the Government and even LI Gang, the Deputy Director of the Liaison Office of the Central People's Government in the HKSAR, we did not discuss this subject. Thus, we have considered the issue from our own perspective and value. In my view, the issue of basically a single constituency or five constituencies does not involve a conflict in principle but a difference in focus only, that is, it depends on whether our choice is on one focus or the other. This is just like democratic election, in which there are multifarious systems, for instance, there is the "single-seat-single-vote" system, the "multi-seats-single-votes" system, and the proportional representation system. With respect to the proportional representation system, the system itself is multifarious. In brief, when every elector has the right to nominate, vote and be elected, to a certain extent, we can call it universal suffrage. Insofar as the electoral value is concerned, there is no difference in whether the seat is returned from a single large constituency or five constituencies. It only depends on how we wish the effect will be. I will attempt to analyse the difference between a single large constituency (that is, a territory-wide constituency) and dividing the territory into five constituencies.

With respect to a single large constituency, among the 7 million people, there will be over 3.2 million electors who will cast their votes. If I am a candidate, or a political party, in order to have these over 3 million people know, understand and support me, I will have to be stronger when facing strong challenges in several areas. As a matter of fact, as Dr Margaret NG just mentioned, first of all, the higher the popularity — of course, I assume this refers to popularity of a positive nature — the higher the level of support will be attained. Second, the greater the ability to mobilize the masses, or the greater the number of the so-called "stakes", the greater the number of voter turnout. The third issue is that of resources. Basically, any resources can be concluded as money. But in fact, resources do not refer to money only. Interpersonal network and relationship can also be classified as resources. But they are not necessarily "stakes". The more resources you invest, the greater the chance over 3 million people will know you.

Insofar as the electoral method of a large constituency is concerned, it is obvious that among the three elements, that is, popularity, groups or political parties of a large scale, and enormous resources, if you have the advantage of the first element, to a certain extent, you will be able to win. If you have the advantage of the first and second elements, the chance of winning will be greater. If you have the advantages of all three elements, your chance of winning will be even greater. In other words, victories and failures, or wins and losses are interwoven with these three elements. If this is the case, a rich candidate will not need popularity. Any large political parties, such as the Hong Kong Federation of Trade Unions with a membership of 400 000, will not need popularity because they have "stakes". But what can you do if you have neither money nor "stakes"? Then you will have to rely on the media. Thus, those parties and candidates who plan to stand for election in a large constituency will ask the media for exposure as much as possible. The higher the frequency of exposure and the longer the duration of exposure, the greater the chance will be. Therefore, future election in a large constituency will be media-led. Of course, if the candidate has money, he can post advertisements. And the rich people are in a more terrific position. With the resource of money in posting advertisements, better results for publicity will be achieved for them.

Such is the effect of the electoral method of a large constituency. There is no need to conduct detailed analysis. Such a situation can be found in elections of the Prime Minister in the United Kingdom as well as the President of the United States. A Member said just now this was like a pre-election of the Chief Executive election. I will analyse the difference between the two later. The Chief Executive election adopts the system of "single seat, single vote", the effect of which is vastly different from the systems of "multi seats, single vote" or proportional representation. I will explain about this point later.

In brief, since political parties enjoy greater advantages in the election of such a large constituency, it will encourage the emergence of territory-wide political parties. Let me cite an example. This is purely an example, and not necessarily a real situation. If ADPL stands for election, but our coverage accounts for 40% of the whole territory only, with the remaining 60% of the territory not covered, that is, we have not provided services in these area at all, then the member we field will have to seek support from and co-operation with political parties of a similar scale of ADPL (preferably a party of a smaller scale than ADPL). Of course, large political parties will not have to do that. This



process may facilitate the merging of some small political parties to become a large political party or form an alliance. It can be said that it will set the trend of establishing large political parties. However, the electoral method is contradicting. I believe the Secretary certainly knows that the proportional representation system hits hard at large political parties. In other words, the two elements co-exist in the same election — it encourages large political parties but also hits hard at large political parties. It is basically impossible for large political parties to take all five seats. It is difficult even to win the second seat. This means if a political party divides its members into two or even three teams, the more the number of teams, the more unfavourable it will be for the party. However, if a large political party fields only a team of five persons, it will also be difficult to take two seats. In the last election, the pan-democratic camp made such a grave mistake in New Territories West. Thus, the issue of whether this electoral method will help organize large political parties or territory-wide political parties can be further discussed. Of course, the best way is to hold a similar election so as to see whether this is the actual effect.

Mr LEE Wing-tat cited some negative examples of large political parties and small political parties just now. I would also like to talk about this in passing. If I am elected in a territory-wide election, I will really take into consideration the interests of the whole territory and the so-called overall situation. However, if I really have to get things done, how many offices will I actually have to set up? Hong Kong is large. What I am referring to is Hong Kong Island, Kowloon and the New Territories. However, considering from another perspective, as a matter of fact, I do not have to set up any offices. The reason is that if only I have popularity, "stakes" and funding, I will not have to worry that I cannot win. Even if I have offended an individual, as long as he is the minority; even if I have offended an individual small district, I do not have to pay much attention to it. In brief, if only I have not offended most of the people of the whole territory, I can already win in the election.

What will be the future of these people? If they are hard-working, they may have a hard time. However, they may do nothing. They may not have to do anything, but meet the media when they have time. I have just cited two extreme cases. Of course, some people will meet the media as well as involve in district work. There may be 10 000 possibilities involved, but I have only cited two extreme cases to let you have an idea what the general picture will be.

I totally disagree to the view that this is a drill exercise for the Chief Executive election, because I think the focus of the election of the Chief Executive and that of the Legislative Council Members is different. The electoral models of the proportional representation system and the "single-seat-single-vote" system (the "single-seat-single-vote" system is adopted in the Chief Executive election) are different. For example, to win a seat in a large constituency, according to calculation, if 50% of the 3.2 million or so electors cast their votes, that is, about 1.5 million people, divide this figure by five, the result is 300 000 votes. Once these 300 000 votes are obtained, it is certain that a seat will be secured. Everyone knows that to secure the fourth or the fifth seat, it is not necessary to secure all these 300 000 votes, probably 200 000 votes will be enough. If there are many candidates standing for election, probably 100 000 or so votes will be enough. In other words, according to the turnout rate of 50% in Kowloon West in the last election in which 220 000 people cast their votes; if I can secure the 150 000 votes in Kowloon West, it is quite possible that I will be elected. Or in addition to that, 10 000 to 20 000 votes are secured in other districts, I will be elected. Thus, the relevant electoral method is multifarious; it does not necessarily serve as a demonstration example of election.

Chairman, after talking about the situation in a large constituency, I would like to talk about my view of dividing the territory into small constituencies. I agree to the division into five constituencies. This is because, first of all, insofar as Hong Kong people are concerned, the approach of dividing the territory into five constituencies has been adopted since 1997. By next year, it will be adopted for 15 years. I do not remember whether I have used it four or five times already. The electors are used to the demarcation of Kowloon West, Kowloon East, New Territories East, New Territories West and Hong Kong Island. They know where to go to vote in their respective constituencies, and political parties (irrespective of whether they are district-based political parties or territory-wide political parties) also know what to do. The difference between the two is that a person will be elected through the system of "single seat, single vote". I am of the view that this is a good thing to electors, candidates and even political parties. As only one person will be elected then, I believe the competition will be even more intense than the existing elections with the proportional representation system in the five constituencies. If five persons will be elected in my constituency (for example, Kowloon West), or there will be nine seats in New Territories West, I need to secure 10 000 votes to 20 000 votes

only to be elected. If this is the case, I really do not have to make much effort. Thus, if there is only one seat in each constituency, the competition will certainly be intense. By that time, consideration will be given to the election platform and other factors besides popularity.

Second, it is the so-called medium-sized district election as referred by me. To a certain extent, it has the flavour of a medium-sized district election. Under certain circumstances, the elected person has to speak out for the interests of the district he represents. How can I not set up an office in Kowloon West? Alan, how can you not set up an office in Kowloon East? Do you wish to stand for the next election? Although there may only be 1.1 million people, you have to set up an office, meet the members of the public and deal with district affairs. Is it right in doing so? When a certain district gains but another district opposes, or when there are conflicts of interests between public rental housing and private properties; likewise, we will have to face the conflict of interests. Thus, the flavour of a medium-sized election and that of a District Council (DC) election are not the same. Since there may only be 20 000 or so electors in a constituency of a DC election, a candidate must be close to the electors. If the majority of the electors choose A but you, do B, you really do not need to run in the next election. If there are only 1 million or so people in the constituency, probably you do not have to completely satisfy the aspirations of the members of the public in the constituency. In this way, there will be some room for manoeuvre.

Moreover, as I mentioned just now, the larger the constituency, the smaller the need to be accountable and responsible. Of course, if we expect the elected Member will be accountable and responsible to us, but he only offers advices without making decision, is he not accountable to us in this way? However, it is really not necessary for Members returned from a territory-wide constituency to be accountable to people in individual districts. In fact, individual persons will be the same, let alone individual districts.

Thus, Chairman, with respect to the electoral method, I hope that the focus will be a medium-sized constituency, so that most of the people will be able to stand for election, irrespective of the amount of money, popularity, or the ability they have, and the person elected will also be accountable and responsible to the constituency he represents. Although the number of votes secured by the persons elected in the future will be more than that of the Members returned by

geographical constituencies with the proportional representation system, basically the nature of these Members is similar to that of the Members returned with the proportional representation system at present. So, they will not be any alternative Members. Thank you, Chairman.

**MR WONG YUK-MAN** (in Cantonese): Chairman, should the five new seats be returned from a single territory-wide constituency with the proportional representation list system, or from each of the five existing GCs for direct election with the single-seat-single-vote system? I do not have any fixed opinions on the constituency delineation and electoral method for these five new DC FC seats. However, I also wish to try to make an analysis because these two systems have their respective advantages and disadvantages. In many countries with direct elections in place at present, if two different electoral systems are adopted for direct elections, one of them is usually the "single-constituency proportional representation system". For example, in Japan, direct election is implemented with two methods. One of them is the single-seat-single-vote system, which is implemented in smaller constituencies. Hence, faction-based politics has developed in Japan, meaning that under the single-seat-single-vote system, the seats of a certain house of the parliament can practically be described as "hereditary". In theory, these seats are returned by election. And what "hereditary" means is that the candidates of the related faction can "inherit" the seats. Subsequently, Japan has improved the design, introducing the proportional representation system. As a result, when those candidates long occupying a parliamentary seat under the wings of the faction-based politics suffer a setback in the face of new political circumstances, they can have one more chance of revival from their failure under the proportional representation system. This is the situation in Japan.

In Taiwan, the number of seats of the Legislative Yuan has been revised, with its number of seats slashed by half from 200-plus to 100-plus. Its voting system has seen a change as well. In the first Legislative Yuan election after the revision, the Democratic Progressive Party suffered a landslide defeat. The reason is that in the district legislative member election, the multi-seat-single-vote system was changed to the single-seat-single-vote system. And the scale of the constituency was reduced to one seat only, forcing candidates into direct opposition. Moreover, the political party legislative member election was

introduced with the adoption of the single-constituency proportional representation system. In this election, no constituencies were delineated, meaning it was a single constituency because no constituencies were delineated. However, when such a system is first implemented, it is inevitable that some people will benefit and some other people and political parties/groupings will not benefit at all. In raising this point I mean to ..... Chairman, do not stare at me, thinking that I am again going to stray far away from the subject. I have said all this just to point out that some people have kept saying the pro-establishment camp or other factions will benefit, and people of wealth and influence will gain. What I mean is that under each electoral system, it is inevitable that some people will gain while some others will lose. However, gradually, those who lose will have the chance to become those who gain. Your political party is one of such examples. Regarding the proportional representation system, as I said from the outset, some people have regarded it as being tailor-made for the DAB because in direct elections under the single-seat-single-vote system, the DAB was always no rivals to the Democratic Party or the United Democrats of Hong Kong. However, once it has been changed to the proportional representation system, the DAB can win at least one seat by securing a certain number of votes. It is because the multi-seat-single-vote system has been adopted, under which seats will be allocated by the proportional representation system.

Actually, regarding these two electoral systems, I think the adoption of either one is all right with me. However, under the present circumstances, I ..... Admittedly, I have always raised the same point over these few days — Since we have already surrendered in matters of principle, why should we bother with the minor details? Right? Like those buddies, those buddies who have supported the constitutional reform package, not even one of them is present now. What exactly is this political party? In the face of such an important piece of legislation, other than sending some representatives to give some brief remarks at the Second Reading of the Bill, all the other of them have gone. They really should feel ashamed before the people of Hong Kong. I am now telling the people of Hong Kong that the Democratic Party should feel ashamed before the people of Hong Kong. With so many devilish details, and so many amendments proposed by Dr Margaret NG, why have they not lent a hand to speak? Where have they gone? Where has their party chairman gone? Where has that "hard bone" having developed osteoporosis now gone? They even have the cheek to brag about proposing an amendment, saying the threshold should not be set too

high and demanding lowering the nominations from 15 to 10. What did you say at first? Did you want one constituency, or five constituencies? Did you voice your opinion in this regard when you were "bargaining" with them? Buddy, you might as well tell him — Of course, Secretary Stephen LAM does not have the final say — you really wanted five constituencies because you were worried that only candidates of wealth and influence would win. You may say that for this reason, please delineate five constituencies for these five new seats. You are now also saying that you support the delineation of five constituencies. In other words, it is all right no matter what you say. However, you are now saying nothing. None of you are here, are you? I will raise my hand again after making all these remarks. I am really sorry about it. Chairman, a quorum is not present now, is it? You should really feel ashamed before the people of Hong Kong, before your supporters. You even have the cheek to tell others that many people support you all the same because you have fought for the people of Hong Kong "one person, two votes". This really is losing all sense of shame; losing all sense of shame. You are elected by the people. However, under the current circumstances, in the face of the Second and Third Readings of these Bills and with the discussion on the amendments to the Bills underway, there is not a trace of you all. I really do not want to chide them. One of the reasons why they are not here is that they do not want to see me "point a finger at them". They think that I will certainly chide them. Chairman, this is a debate, is this not? Truth becomes all the clearer after debate. If what I am making are specious arguments, or my criticisms levelled at the Democratic Party are wrong, they have to rebut me. They have to rebut me.

On 23 June 2010, the Democratic Party released a letter to the people of Hong Kong. "Brother Kee" said that he had not read one of the paragraphs in the letter. It is because when I mentioned to him the wordings of this paragraph, he said, "No, how can they say that?" I answered that it was exactly what they said. The paragraph stated, to this effect, "If the constitutional reform package is again voted down, we cannot see the reliance on street protests alone as a way out. To be again stuck in a deadlock faced with the worsening rip in society will only make the mainstream masses who support democracy feel a sense of helplessness and weariness, resulting in their abandoning the long-term support for democracy. This is unfavourable to the democratic development of Hong Kong in the long run." Such remarks were made by the pro-establishment camp in the past. The pro-establishment camp said that in order to fight for democracy, you had always

staged protests leading to a rip in society, so you should not stage so many protests. Now, it is the Democratic Party that makes such remarks. If these remarks are made by the DAB, we will rebut them once in a while. Then we will hold a "loudspeaker" each on our own, blowing different tunes and stating different views with zero interaction. That is it. The public understand our position and they naturally know how to vote in elections. That is it. However, the above remarks made by the Democratic Party are really ambiguous. "Brother Kee", do you agree? They are really ambiguous. The remarks made by the Democratic Party at present ..... In the past, they kept criticizing the pro-establishment camp for making those remarks. Hence, if they do not give a clear explanation, will they be worthy of the people of Hong Kong? How can they still think of fishing in troubled waters now to continue to get the votes of those electors who support democracy? As long as I, WONG Yuk-man, am still here, he sure will not have his way. I am telling them that I sure will continue to lay bare their .....

**CHAIRMAN** (in Cantonese): Mr WONG, please speak on the amendment.

**MR WONG YUK-MAN** (in Cantonese): Chairman, sorry.

**CHAIRMAN** (in Cantonese): When you were not in the Chamber, Mr LEE Wing-tat spoke on behalf of the Democratic Party.

**MR WONG YUK-MAN** (in Cantonese): I know. He did not use up the 15-minute speaking time. I criticized him for having a twist in his tongue in his previous speech. He did not even know what he was talking about. This is also the reason why I "took advantage of" you, Chairman. Do you remember? Chairman, I very much thank you for not making me stop speaking there and then. What I said is the truth, though it may not be complete. However, Chairman, you did make those remarks, right? The reason why I "took advantage of" you is that the Democratic Party supports the constitutional reform package just for the purpose of increasing the seats and securing the seats, right? Chairman, it is exactly because you set them thinking by saying the number of their seats are on the drop and asking them whether they feel ashamed — this is roughly what you mean — that they really feel ashamed and give their support to the constitutional

reform package to secure the seats, right? In the final analysis, they did that only for the seats after all.

NG Chi-sum, a renowned commentator, has always come under attacks from all sides. In one of his articles, he talked about Mr Albert HO's discussion on constitutional reform. The Hong Kong Government ..... No, sorry. What I want to quote is "The sure win of democracy is for the sure win of the Democratic Party". I will not quote the details. Actually, after the Government had announced the forming methods and arrangements for the Election Committee for the Chief Executive election and the District Council Functional Constituency for the Legislative Council election in 2012, Mr Albert HO ..... At the time, many Members of the pan-democracy camp were in an uproar, criticizing the relevant proposals for "obviously benefitting the pro-establishment camp" and "ungentlemanly". However, Mr Albert HO, Chairman of the Democratic Party, said instead that the arrangements proposed by the Government, on the whole, were in keeping with its undertaking and it was not a case of "incorrect goods". Rather, it was a matter of "overreaction" by colleagues.

Exactly what was he saying? It turned out that he called a press conference with the aim to clarify that the selection methods and arrangements announced by the Government were in keeping with its undertaking, which was neither deceiving the Democratic Party nor ungentlemanly. He said, to this effect, "The electoral arrangements are within the scope of Donald TSANG's undertaking, but they are not the most relaxed option." He then explained that the Government had never promised to set the nomination threshold of the super DC seats at 10. And he added that the single-constituency arrangement also conformed with the principle of democracy, so the Government did not violate its undertaking. Then, why do they propose the delineation of five constituencies now? Also, why do they support the delineation of five constituencies? Some of them support the proposal of delineating five constituencies, right? Well, why is politics played to such an extent? I do not wish to describe it as "ugly". Many people find politics disgusting precisely because of the performance of these people. People are forced to find politics disgusting. These people say one thing today, and then another tomorrow. We can see from the remarks I quoted several days ago that they said one thing at the City Forum at noon, and then another at the meeting with the press in the afternoon. I have all this recorded. Chairman, if we have time today, and with your permission, I can



play this recording later. Anyway, it is better than me repeating them because these are his remarks after all.

Regarding whether a single constituency or the division into five constituencies should be adopted, it involves election expenses and the scale of political parties. "Brother Kee", I really admire you. However, you always say that if I snipe at you, you will retire. Please do not escalate the matter to this level. In no case should you retire. The reason is that every time I go to Sham Shui Po ..... your constituency .....

(Mr Frederick FUNG rose)

**CHAIRMAN** (in Cantonese): Mr WONG, please hold on for a second. Mr FUNG, what is your point? Mr FUNG, at the Committee stage, you may speak again. Therefore, you may speak again after Mr WONG Yuk-man has finished his speech.

**MR WONG YUK-MAN** (in Cantonese): ..... you may speak later. No need to hurry. Please sit down first. Okay, I know what you mean by retiring. You mean that as you have worked in the district for over two decades, in case "Yuk-man" fights against you for the DC seat and you lose, you do not need to carry on with your work anymore. This is what you mean. I do not mean that in case you lose the seat, you will retire. I am now explaining for you because you do not make it clearly. Do you understand? Some people say they will "see you off". Do you get it? But if you really say that you will retire should you lose the seat ..... If I really run in the election in the same constituency as yours, you will definitely lose the seat because the DAB will definitely reap advantages without lifting a finger. I tell you this is sure to happen. If you retire under such circumstances, I will be the sinner. Every time I go to Sham Shui Po, I will sing high praises of Mr Frederick FUNG. This is known to all. Probably no candidates in Hong Kong can get a sufficient number of votes to win a Legislative Council seat with the support of a DC constituency alone. Chairman, Mr Frederick FUNG is the only one who can do that. He and I were in the same Kowloon West Constituency. In the Legislative Council Election in 2008, I got 37 000-plus votes while he got 35 000-plus votes. However, in 2004, he got 60 000-plus votes together with "Cub". In other words, he lost many votes and I really seized many votes from him. It is a fact. Perhaps some people had poor

eyesight and voted for me because of my popularity. In 2012, perhaps they will wake up from their dream and give their votes to "Ah Kee" again, making him recoup 60 000-plus votes. At several polling stations in the Sham Shui Po DC Constituency — Lai Kok Estate, Lei Cheng Uk Estate, Shek Kip Mei Estate Community Hall — he got 2 000-plus votes at each of the polling stations, which was very amazing indeed. Among the many candidates in Kowloon West, no one could surpass him. The total number of votes he got in the Sham Shui Po DC Constituency alone was more than the number of votes Dr Priscilla LEUNG got, which was enough for him to win a Legislative Council seat. Why? Because he has worked in the Sham Shui Po District for over two decades, really serving the grass-roots kaifongs and putting down his root there, right? Hence, if the five new seats are returned from several different constituencies, there is still a chance of "taking advantage of the situation" to win a seat, right? If there are five constituencies, how can we compete? What I mean is if there is only one constituency, how can we compete? In the super FC, we practically have no chance to win, right? It is inevitable that the chance is obviously for those with manpower, money and influence. Hence, regarding the amendment to be proposed by Mr Paul TSE later — some people say it is ridiculous but I consider it meaningful. As it is the case, we might as well accept his amendment and see who can run in the election, right? Regarding the height restriction he proposes, the two at the back may fit, but their monthly income is in excess. My height definitely does not fit because I am over five feet four inches tall.

This kind of arrangement for constituency delineation actually benefits large political parties. Hence, the Government is self-contradictory. On the one hand, it neither encourages political party politics nor enacts political party legislation, but only candidates from large political parties and with high popularity can stand any chance of winning the new FC seats. I neither belong to big political parties nor have the support of political parties, but I still have the chance to run in the election. Secretary Stephen LAM once chanced to meet me in the Ante-Chamber, and persuaded me to run in the election with the aim of tarnishing my "chastity". He is really treacherous. If I really consider myself quite popular in Hong Kong and can secure tens of thousands of votes in one constituency, then as long as I can get 100 000-plus votes across the territory, I will have the chance to win the fifth seat ..... By calculations, it is possible that I may rank fourth or fifth to win a seat, right? However, I aim not just for seats. I am a bit stubborn. I have yet had osteoporosis, unlike some other people who have this disease and turn limp. I am not like this, right?

However, the question is that it takes high popularity ..... Some people say high popularity is not necessary as long as the scale of the political party is big enough because it is a matter of choosing the political party instead of the candidate. Under such an electoral system, it is all right even if you choose the political party instead of the candidate. I tell you, you have to choose both the political party and the candidate. Hence, Mr Albert HO must run in the election. Being the Chairman of the largest political party in the democratic camp, as well as the advocate for the revised constitutional reform package, how can he not run in the election? He will run in the election, so will Mr LEE Wing-tat. Each of them will win a seat, and the remaining two seats will also be shared by their mates. CHEUNG Yin-tung has waited for two decades. He can be elected as a Legislative Council Member when he turns 50, right? He will definitely run in the election.

However, it is not easy for them to get such an admission ticket because we will consider running in the DC election, too. Of course, after winning a DC seat, we will not necessarily run for the super Legislative Council seat. Some people say I prefer destruction to construction. I have to tell them that this is a declaration of the political concept, not a matter of preferring destruction to construction. We are talking about "settling the debt of votes with votes". You say that if we run in the election, we are like the B team of the DAB because our competition with you will benefit the DAB. So, we are like the B team of the DAB. Then, those who support the constitutional reform package should be the B team of the communist party, right?

Besides, do they think I cannot run in the election? Do they think the election belongs to them, and as they have already been stationed in a constituency, my participation will portion out their votes? However, if they have the overall interest of the democratic camp in mind to retain the seats, why are they not willing to give me precedence in the election to allow me to have "a one-on-one fight" with the DAB? What reason and logic is it? Chairman, sorry, I have to take this opportunity today to explain clearly the meaning of "settling the debt of votes with votes". Anyone can run in the election, right? Why can he not? Why only can they run in the election? Such an attempt of co-ordination is simply obscurantist.

I very much obey the rules. "Brother Kee" should also remember that when I was the Chairman of the League of Social Democrats leading the party to run in the District Council Election in 2007, I participated in the co-ordination effort of the democratic camp. However, afterwards, I found it actually obscurantist. In participating in the co-ordination effort, when some members of ours signed an agreement with their opponent in some constituencies, I immediately had them withdrawn; when some members ran in the election, I even had them expelled from the party. You should also remember them clearly, right? However, today (*The buzzer sounded*) .....

**CHAIRMAN** (in Cantonese): Mr WONG, your speaking time is up.

**MR WONG YUK-MAN** (in Cantonese): This is to make you pay for your support for the constitutional reform package.

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

**MR ALAN LEONG** (in Cantonese): Chairman, I have just heard friends on the road to democracy say that the proposed electoral mode of the "super District Council (DC)" Functional Constituency (FC) was shaped in the 2007 pan-democracy camp proposal. According to the 2007 pan-democracy camp proposal, half of the Legislative Council seats are returned, like the arrangement now, from geographical direct elections with the "one-person-one-vote" method, and the other half are returned from a single large territory-wide constituency under the proportional representation system. That said, the two electoral modes seem not much different. However, this is not the case. The major difference between the two is that, according to the 2007 pan-democracy camp proposal, under the electoral arrangement of seats being returned from a single large territory-wide constituency under the proportional representation system, the right to nominate, the right to stand for election and the right to vote are all vested in the hands of the people of Hong Kong. However, in the case of the present "super DC" FC, the right to nominate and the right to stand for election are tightly held in the hands of a small circle, one which can easily be manipulated by those in power. This is the fundamental difference.

I understand Mr Ronny TONG's earlier remarks. He is also aware of such a difference between the two electoral modes. However, I believe he and friends in the Alliance for Universal Suffrage (AUS) will tell people that this is a midway package, and we will finally reach the destination suggested in the 2007 proposal one day.

I am also aware of Mr TONG's use of the phrase "unrealistic romantic", so to speak, this morning. Exactly how can the three rights, namely, the right to nominate, the right to stand for election and the right to vote converge? Hong Kong actually needs to take a real big step forward. And, the explication and the line leading to this step are vitally important. If we only hold some wishful thinking, assuming that after the establishment of this "super DC" FC, the arrangement of seats being returned from a single territory-wide constituency under the proportional representation system in the 2007 pan-democracy proposal will definitely be implemented in 2020, I believe this is a bit unrealistic. Such unrealistic thinking can be tested by some objective facts.

On the "super DC" FC, Miss Elsie LEUNG, Vice Director of Hong Kong Basic Law Committee, has raised the following two points: First, she confirms that this is a FC; and second, in the election in future, if some candidates are first nominated by the FC and then elected by the people of Hong Kong as Members, such an arrangement actually does not necessarily violate the concept of universal suffrage, that is, election by universal and equal suffrage. Those echoing these comments of Miss LEUNG include Mr CHAN Wing-kee, Member of the National Committee of the Chinese People's Political Consultative Conference. Both of them have a sound understanding of the mindset of the Central Authorities. I believe Miss LEUNG really understands the mindset of the Central Authorities. As to the other one, I am not sure whether it is only he himself claims to understand the mindset of the Central Authorities. However, at least they tell the people of Hong Kong that they know the thoughts of Beijing. If the remarks of these two people really represent the mindset of the State rulers in Beijing, the explication of "path dependence" of the AUS is indeed a bit unrealistic and over romantic.

On the present proposed arrangements, what exactly are the views of the Civic Party? We think that if this step is really to be taken, we hope the backtracking of this arrangement can be made easier. When there are some such special Legislative Council Members in Hong Kong, it is believed that the return

to election by universal and equal suffrage will be more difficult than our proposed arrangement of abolishing the existing 30 FC seats to achieve election by universal and equal suffrage. Hence, on this premise, we propose that these seats will be returned from five constituencies. In this case, even if revisions have to be made to the Legislative Council election of the next term in 2016, it will be easier to return to the basic step.

Come to think about this. If the arrangement of a single territory-wide constituency is put into practice, in future, only some political parties of a larger scale will send some candidates with great popularity to run in the election. And the Members thus elected will naturally consider themselves different from the other 65 Members. If we regard it as a FC and intend to abolish it in future, will it be more difficult than the abolition of the existing Medical FC, Legal FC, Education FC, Commercial (First) FC, Commercial (Second) FC, Industrial (First) FC, Industrial (Second) FC, and so on?

I believe friends in the AUS will say that these Members-elect have to face numerous electors and so they will not be so easy to get complacent. Perhaps this is just wishful thinking of a romantic nature. If there are such special Legislative Council Members in Hong Kong — according to Miss Elsie LEUNG's explication, they are FC Members — the abolition of these seats in future will be more difficult than that of the existing FC seats. By this logic, the Civic Party holds that if these five new DC FC seats are really introduced, these seats should be returned from five constituencies. In this case, it will be easier to return this system to the basic step in future. This is the logic of the Civic Party.

Chairman, according to Mr Donald TSANG, Beijing has promised that the Legislative Council will be formed by universal suffrage in 2020. At present, we are only two steps away from the destination. We are now discussing the electoral arrangements for the 2012 Legislative Council Election, and then the 2016 Legislative Council Election, and then in 2020, we will reach the destination. If this really is the case, we have to consider: If we take this step in 2012, what step will we take in 2016? Should several more such "super DC" FC seats be added in 2016, or should this be a one-off arrangement applicable to the 2012 election only and the same arrangement be removed in 2016? And, will there be any other arrangements? When I try to find exactly what the path is in this explication of "path dependence", I meet with some difficulties because I really am not sure about the fate of these five "super DC" FC seats in 2016, and

whether the Government will replace them with another arrangement. All of this remains unknown so far. When we are saying "path dependence", but the fact is that this path is neither clear nor well-defined, how can we depend on it? This is really one big difficulty faced by the democratic movement at present in Hong Kong.

As I said yesterday, regarding the voting preference of the democratic camp on 25 June last year, the Civic Party will not speculate on their motive because it is meaningless to do so. However, after the voting on that day, the Civic Party did some analysis and passed a judgment on the objective situation after the democratic camp's surrender of its veto power. And we have formed some opinions. Basically, we have accepted the gradual evolution of the FC system in its existing form following a so-called path to reach the destination step by step to realize genuine election by universal and equal suffrage. However, this path is really neither clear nor well-defined now.

The question is: Where has our focus gone? In the past, we fought for the implementation of dual universal suffrage in 2007 and 2008, but this hope was dashed. Then we talked about the implementation of dual universal suffrage in 2012. At least, we had a focus at the time as well. However, we have no focus now. Hence, regarding this arrangement proposed by the Government, I wish to clearly explicate the position of the Civic Party. Why do we propose that the "super DC" FC seats should be returned from five constituencies? In the next round of discussion, we will also clearly explicate the reasons why we propose to open up the right to nominate and the right to stand for election to all registered electors.

Some Members, including Mr Ronny TONG, my friend in the Civic Party, said earlier that my proposal would violate the Decision of the NPCSC. However, have we thought too deeply into it? As I do not have the chance to participate in the work of the NPCSC, so I do not know anything. Perhaps some members of the NPCSC did say such things. However, according to the comments of Ms Elsie LEUNG, the arrangement does not violate the Decision of the NPCSC because the "super DC" FC is just a FC after all. As far as my understanding goes, in the constitutional order of Hong Kong, there is only one FC system, and that is the one in the Legislative Council. If the "super DC" FC is regarded as one the FCs, then why are not all DC members qualified for nomination to stand for election, and the right to stand for election is only limited

to the elected DC members? Take the present Legal FC as an example. All barristers and solicitors can stand for election. They will not be "divided into different factions and groups".

Chairman, I hope that I have clearly explicated the position of the Civic Party in this first speech of mine so that Members are made aware of our inclination of voting. I so submit.

**CHAIRMAN** (in Cantonese): Mr Ronny TONG, this is going to be the second time you speak.

**MR RONNY TONG** (in Cantonese): Chairman, I wish to make a brief clarification. Mr Alan LEONG, a man of wit and intelligence, certainly will not overlook the consensus model in the 2007, being the ultimate universal suffrage model. What are the key points in it? In this ultimate universal suffrage model, we can see the vision of the forming of the Legislative Council by universal suffrage in future. One half of the Members will be returned from a single territory-wide constituency under the proportional representation system, that is, the one-person-two-votes model. This is our ultimate goal.

Of course, if you use this ultimate goal as the yardstick to assess and query the 2012 midway package, you will certainly succeed. Perhaps this is precisely the thrust of Mr Alan LEONG's speech. However, if you accept that the present package is just a midway package, and this package will see Members returned from a single territory-wide constituency under the proportional representation system, that is, the one-person-two-votes model, after many twists and turns, we will eventually be on the road to the 2007 consensus package. Of course, you can disagree to this package. You may think that this package can never be put into practice because the Beijing Government will never allow us to have genuine universal suffrage. However, if we base our discussion on this argument, I think it is meaningless to carry on with the discussion.

**CHAIRMAN** (in Cantonese): Mr LEE Wing-tat, this is going to be the second time you speak.



**MR LEE WING-TAT** (in Cantonese): Chairman, I am very pleased to have this opportunity to debate with friends in the democratic camp the choice between two different lines. I hope this is a rational debate.

First, I think the historical development of politics sometimes does not follow the design of those who created it, with the exception of Karl MARX. He always considered the historical development of this world a gradual evolution of the several different components defined by him, namely, slave society, feudal society, capitalist society, socialist society and communist society. Of course, this theory is bankrupt in terms of practice, with only a few communist countries left. Hence, when we make a judgment, we do not take a completely scientific approach because this is not a matter of physics.

Chairman, every time when we mention "path dependence", what we mean is that in the process of a political negotiation or a political campaign, if we can seek progress at an apparent reasonable pace, and the progress sought is irreversible and conducive to the democratic system and civic participation, it is then worthy of our consideration. This is the first basis.

Second, what we demand for the future, of course, includes enacting legislation for 10 years in one go. When debates on constitutional development are again held in 2016, 2017, the Democratic Party will, of course, have proposals prepared for discussion among the masses. The major principle is to keep increasing the elements of direct election and universal suffrage to lessen the influence of FCs.

Chairman, the number of times I have spoken in these two days is neither too many nor too few. However, I would raise an issue for discussion every time I speak. I wish to ask Honourable Members and friends in the democratic camp this question. If we can achieve these four words of "abolition of functional constituencies" simply through social mobilization in a certain period of time or in one year, why do we not do it? I even wish to frankly tell Mr LEONG, the new Chairman of the Civic Party, if the Civic Party has the ability to mobilize the masses, in ways he thinks fit, to have FCs abolished before 2012, I believe he will do so without hesitation. Or, if he thinks he has the ability or the means to mobilize the masses to lead to the abolition of all FCs in 2016, I believe he will also do so without hesitation.

Chairman, though I am digressing a bit, and I am aware that you are staring at me, I have to repeat this point a fourth time. It is because no political parties can tell me here: Is the simple act of repeating these four words and then standing here enough to make FCs disappear? If it is that easy, the pan-democracy camp has no reasons not to do it. Or, friends supporting the democrats have no reasons not to do it. The people learn from the reality that though we hope for the early implementation of something, we have to admit that sometimes it cannot be achieved in one term. Chairman, I ran in the District Council Election in 1985, the Urban Council Election in 1986 and the Legislative Council Election in 1991. Every time, I hoped that these Elections would turn into elections by universal suffrage .....

**CHAIRMAN** (in Cantonese): Mr LEE, this amendment is related to the delineation of constituencies.

**MR LEE WING-TAT** (in Cantonese): ..... I know. I will finish my prelude soon.

But I have yet to achieve the goal. Why do I continue making an effort? As long as the constitutional system is progressing, and each step is solid without backtracking, the aspiration of people for democracy will not be extinguished.

Chairman, with respect to the issue of demarcation of constituency boundaries, Mr Alan LEONG, leader of the Civic Party, mentioned the issue related to "path dependence". That is why I have to spend more time doing some explaining. He asked whether this practice is over romantic. I was a bit surprised at hearing that comment. In supporting the constitutional reform package, we have been criticized by many people for being too ready to compromise. There are criticisms that we are wrong and that we should insist on dual universal suffrage. We are also said to hold wishful thinking in believing that this kind of romanticism will easily materialize.

Chairman, as a matter of fact, I am not at all romantic. After taking part in the democratic movement for so many years, I have come to realize a few things —

given the environment, you can only make every effort to fight for your goal, consolidate what you have achieved, and then move forward. Each time I would ask myself this question: five directly-elected seats, five *de facto* directly-elected seats; calculating on the basis of the existing 60 seats, the democratic element is 16.6%, is this percentage too small? Each time I would say, in devising a new FC so as to return five Members, is it impossible to backtrack and make it very difficult to abolish all the FCs?

Chairman, according to my observation, the broader the electorate base of an FC, the more inclined will it be to abolish FCs. As a matter of fact, there are Members of the pro-democracy camp among FC Members, such as Mr CHEUNG Man-kwong, Dr Joseph LEE, Mr CHEUNG Kwok-che, and Dr Margaret NG. In the past, Mr SIN Chung-kai was also the Member representing the information technology FC. And Dr KWOK Ka-ki was a Member representing the medical FC. The majority of these friends are inclined to supporting the abolition of FCs. What are their characteristics? None of them was returned by elections underpinned by corporate votes. Chairman, the simple logic is that, as the electorate base of FCs becomes broader, the political inclination and social policy inclination of the Member of that FC is closer to universal suffrage.

In respect of the "nine new Functional Constituencies" before the reunification, their electorate base was broadened. There was practically little difference between many of these FC Members and Members of the pro-democracy camp returned by direct elections. Sometimes the demands they made were even more "radical" than ours. Thus, I do not understand why Mr Alan LEONG should advance the argument that with a large electorate base, it will be more difficult to abolish FCs.

My second observation is that Members with political party affiliation tend to put his personal interests or interests of his sector in a lower priority. This is because political parties cannot focus on the interests of one sector only. If a political party focuses on the interests of a certain sector only, it will certainly lose in direct elections.

Despite the fact that Mr CHEUNG Man-kwong of the Democratic Party represents teachers, if the views of the teachers on a certain policy are different from those of the Democratic Party, Mr CHEUNG Man-kwong will have to cast

his vote in accordance with the final decision of the Democratic Party. The FC which Mr CHEUNG Man-kwong represents is the FC with the broadest electorate base. From the first day he was elected, he agreed to the abolition of FCs. Thus, I do not quite understand Mr Alan LEONG's logic and his allegation that FC Members with political party background will act for their own interests, and hence, it is difficult for them to support the abolition of FCs. I hold that insofar as the Democratic Party is concerned, this is not a consideration for us.

Chairman, just now Mr WONG Yuk-man said that the Democratic Party did not speak on the subject. Thank you for your reminder. As a matter of fact, this is the second time that I speak. It seems he has mistaken that the Democratic Party supports this amendment. In fact, among the amendments put forward by the Civic Party, this amendment is the only one that the Democratic Party does not support.

Chairman, I would like friends of the pro-democracy camp talk about what the demerits of putting in place such an FC with such a broad electorate base are. Indeed, I cannot figure that out. If you say that this is a divergent view on the strategy of striving for the goal, I will accept your argument. This is an issue of a higher level. When I spoke yesterday, I mentioned that when I was studying in university, some people believed that they must oppose whatever the colonial government did. I remember friends of the student union who were members of the so-called patriotic faction asked me what the point was in serving at the social services group. They said the tasks I did were only piecemeal, such as demanding rehousing for "boat-dwellers", which were meaningless. I was one of the persons who narrowly escaped arrest by the police. Back then, some children of the "boat-dwellers" were drowned. I lodged a petition and it was the first time I carried a coffin. "Long Hair" was not the first one who carried a coffin; I had carried a coffin back then. It was a coffin made of paper. Those people went there in a coach and were arrested at Hung Hom. Mr Frederick FUNG rode his motorcycle to intercept the crowd, but the motorcycle was too slow. When he arrived on the scene, everyone was gone. At that time, Mr Frederick FUNG and I were criticized. What was the point of making piecemeal efforts? There were people who said that students should not do those things; instead, they should intensify the social conflicts to the extent that society would collapse, hence forcing the colonial government to step down.

Now, this debate appears to be new, but to me, it is a very old idea. Have I ever thought about this question? Chairman, if I am a person who believes in the continuity of policy and philosophy, in other words, a person who stresses consistency, my conscience will not allow me to do that. If this is my philosophy and strategic policy, every person who advocates social progress should oppose the Government. When the Government increases the amount of CSSA payment, we should not allow the Government to do so. If the Government implements a dual-mode transport subsidy, we must not let it do so. When the Government hands out \$6,000, we must not let it do that. All these are piecemeal. Since this Government is not elected by the people, we must oppose whatever the Government does. Consequently, there will not be any welfare or construction in society, and the people will live in misery. In the extreme case, a revolution will subsequently erupt. Will I support that? When I joined the student union at the age of twenty or so, I might have done that. Mr LEONG, I am not romantic. I have become not that romantic presently. When I find an auntie or uncle earning a wage of only \$4,000 for washing dishes, and I oppose the formulation of the minimum wage all the same, how can my conscience allow me to do that? If you adopt this strategy, you should not support the minimum wage; instead, you should allow the social conflicts to intensify. This is not a matter of being not democratic in politics; it is retrogression in social policies and economic policies, which will lead to eruptions of popular discontent. Some people may say it will be best to have this scenario.

Chairman, sorry, I am not choosing this path. Last year when certain people of the pro-democracy camp and some friends of social movements criticized the "path dependence" in newspapers, they had put forward what they believed was the correct paths or alternatives, including the aforesaid path. I am really sorry. But my conscience does not allow me to do that.

Chairman, I am interested to hear what other friends have to say about which path they believe will achieve democracy expeditiously — a chance which we have not taken or even given up already. I will listen to views with an open mind. Thank you, Chairman.

**CHAIRMAN** (in Cantonese): With respect to which path we take in our fight for democracy, I understand that Members may still have very different views. But I would like to remind you, and in particular, those Members who wish to speak

again, we are debating the amendment which is related to constituency demarcation.

**MR CHEUNG MAN-KWONG** (in Cantonese): Chairman, I will express my views revolving round the super District Council (DC) election. However, as our discussion on this subject involves the two lines and strategies in the pursuit of universal suffrage, so what I will say is related to it.

At present, in the pursuit of full universal suffrage, there are both similarities and differences within the democratic camp. One similarity, which I have never doubted, is that we will make efforts to strive for the successful implementation of full universal suffrage as soon as possible. It will adopt a genuine one-person-one-vote model that includes the right to nominate, the right to stand for election and the right to vote. I have never doubted anyone in our camp. However, among us, the use of different means does exist. Exactly are such different means allowed? Actually, they should be allowed because democracy is what we are pursuing, and democracy itself is diversified. There is not just one way in democracy, unlike the religious faith: I am the Way, the Truth, the Life; if you do not follow my line, you cannot reach the destination of universal suffrage. When we move towards universal suffrage, by a rough classification, one of the directions is "path dependence", which is criticized by some people as not well-defined; and the other direction is the demand for the immediate implementation of universal suffrage. Of course, compared to the direction that is being criticized as not well-defined, this is very clearly-defined indeed.

However, behind this clearly-defined direction, there is a long history of our pursuit. In 1988, our demand for universal suffrage was crystal clear; the second checkpoint was in 1997, we fervently hoped at the time that universal suffrage would be granted us at the reunification; the third more obvious checkpoint was in 2007 and 2008; and the fourth checkpoint was in 2012. In fact, every time when we exerted our utmost to demand the immediate implementation of universal suffrage, and not to seek any room to expand the force fighting for democratic universal suffrage, we did get into a situation of "no success despite our full effort". Then we had to once again muster all the friends on the road to democracy and postpone the implementation universal suffrage by four years. Every time what we change is the implementation date, and what we

never change is the manner of our fight. This is our reality, as well as history, which is impossible to disguise.

Now, there are indeed discussions within the democratic camp about a second method, that is, even if ..... I will cite the example of the opinion of the NPCSC on the ultimate implementation of dual universal suffrage in 2020. Exactly can we on the one hand, through mass movements and fights in the parliamentary assembly, and on the other, through dialogues and negotiations to edge close to universal suffrage, leading to the successful realization of universal suffrage? At present, this kind of opinion does exist. In fact, the Alliance for Universal Suffrage and the Democratic Party are holding this kind of opinion. Of course, if 2020 is chosen as the year to edge close to universal suffrage, it is inevitable that in 2012 the package is transitional, with the greatest democratic elements our efforts can get. And, it also leads to an issue we have to face today, that is, the addition of five seats returned by popular election and five seats returned by popular election by the super DC Functional Constituency (FC).

Members must note that at the voting today, the Democratic Party will support the super DC election in one single large constituency. However, at the same time, we support giving all electors the right to nominate and the right to stand for election in this DC election. What do I mean by it? It means that we must put one principle into effect, that is, if we do not give up universal suffrage, even in this super DC FC election, we must fight for every inch of land and exert our utmost to edge close to universal suffrage. And, this guiding principle must be upheld until 2020.

Hence, we support one single constituency. However, regarding the right to nominate and the right to stand for election, we hope that all those related to that FC can be electors, that is, a total of 3.2 million people. This is what I mean. However, will the number of candidates nominated and standing for election in the FC be expanded to the fullest? It will be expanded to the fullest because this number is exactly the total number of electors in Hong Kong. The direction of this practice, in a sense, is consistent with the effort of Dr Margaret NG today to expand the various groups of electors in the FC to the fullest. Why do proposals on expanding the electorates of other FCs to individuals and to expand the electorate base to the fullest are regarded as reasonable in the amendments proposed by Dr Margaret NG, but as going backward in the amendment in respect of the DC FC? I think something is contradictory here.

Hence, in terms of philosophy, we are consistent with each other. Sky is the limit for the expansion of the FC, including the super DC seats. Besides, a single constituency actually serves a hidden function of preparing for the Chief Executive election. If the Chief Executive is really to be returned by universal suffrage in 2017, eventually, 3.2 million electors, or a slightly larger number of electors in future, will have to vote. If the democratic camp can sum up the experience of this "universal suffrage by all electors" — even it will only be implemented in one FC — it will be helpful, inspiring and meaningful to both the pro-establishment camp and the democratic camp in the Chief Executive election by universal suffrage in 2017. Therefore, the proposal of one single constituency is practicable. And, it is only for five seats after all. In geographical direct elections, 30 seats are still returned from different constituencies. Actually, there are even 35 seats returned now from different constituencies. Two kinds of experiences can be gained at the same time, which is where its meaning lies.

For this reason, I hope that friends pursuing universal suffrage can take a step back to see each other's course. All of us share the same goal of universal suffrage, and the methods for universal suffrage are different due to the different options taken by each other in the course of pursuit. Actually, no one can tell who is particularly successful. However, our solidarity ensures a greater success, and our avoidance of internal arguments is vitally important. Therefore, the Democratic Party cannot support this amendment proposed by Dr Margaret NG of the Civic Party. However, we will support the following two amendments, relating to the electors and the nominators. This is the meaning of our argument.

Mr WONG Yuk-man seemed to have mistaken earlier. I do not know whether he mistook Mr Frederick FUNG's support for seats returned from five constituencies for the Democratic Party's support for this proposal. I really cannot figure it out. However, in this regard, Mr Frederick FUNG has views different from ours. It is all right. This is democracy. Even though we cast the same vote for the major direction, it is all right if we have different views on the details. We should pursue ultimate universal suffrage in a calm and united manner. When we are edging close to universal suffrage, we are friends on the same road. Thank you, Chairman.



**MR FREDERICK FUNG** (in Cantonese): Chairman, I rose earlier because I originally intended to clarify some of Mr WONG Yuk-man's remarks, particularly those concerning his doubt about the motive for my vote. However, you said I could wait until the next time I spoke. Therefore, I wish to talk about a couple of points he mentioned earlier about me, which I think are untrue. Of course, I will link those remarks of his which I wish to clarify with this amendment by all means.

He mentioned settling the debt of votes with votes. Of course, these remarks of his earlier were mainly targeted at the Democratic Party. However, he also mentioned his sniping at me, saying if I lose, I should retire. This is the first point I wish to clarify. The second point is: Why do I support the election based on five constituencies? He said amending the legislation would be the best because Mr Frederick FUNG was a heavyweight in Sham Shui Po District. The number of votes I got in Sham Shui Po District alone was more than that of many other Legislative Council Members, and even more than that of Dr Priscilla LEUNG. Of course, I wished it to be divided into five constituencies because I could win in the whole Kowloon West. He doubts the motive for my vote in support of the amendment. I think he should not say this, Chairman.

I mentioned earlier the differences between five constituencies and a single large constituency, as well as their respective merits and demerits. I also said that the issue of a single constituency and five constituencies do not involve a conflict in principle ..... Chairman, you are looking at me. Does it mean I have said something wrong?(*Laughter*) Therefore, I think no matter whether it is a single constituency or five constituencies, there is no difference in value in the pursuit of democracy. It is because we are now discussing the issue of a single constituency and five constituencies, which is not even a matter concerning whether FCs should be retained. The subject under debate now is not about this.

I wish to first explain the point made by Mr WONG Yuk-man, that I wish to stand for election in Kowloon West and if I do so, I will win. I agree that we got 20 000-plus votes in Sham Shui Po District. The number of votes I got, even those in Sham Shui Po District alone, ranked fourth among the five seats in the previous election, which was a higher ranking than that of Dr Priscilla LEUNG. However, I got 35 000-plus votes in Kowloon West. If we look at the post-1997 elections in the five constituencies, actually, the polling results of several elections in the past show that the Democratic Party always got the highest

number of votes, the DAB came second and the ADPL or I came third ..... Chairman, you have also stood for election in Kowloon West. In the previous election, the DAB got the highest number of votes, the League of Social Democrats, that is, Mr WONG Yuk-man, came second, and I again came third. Actually, I am "stuck in the third place", meaning if I stand for election in Kowloon West, I will win only when the number of votes you two or your two political parties get is fewer than me, and it must be the result of the division into five constituencies. Therefore, to analyse my motive purely on basis of the number of votes and then deduce the reason why I support Dr Margaret NG's amendment, or to jump to the conclusion just by the number of votes of Sham Shui Po District, is a distortion of the facts, as well as a distortion of my idea and motive.

In fact, in the numerous discussions on constitutional reform, the ADPL has seldom considered its own interests. Even the three conditions we raised in the discussion on constitutional reform in 2005 are not related to the interests of the ADPL. Therefore, in discussing constitutional reform, if you do not look at it from a lofty ideal and the value in democracy and universal suffrage, and do not charge towards this goal, I will doubt whether or not you are a democrat. Therefore, the criticisms of Mr WONG Yuk-man of me earlier make me think that he doubts whether or not I am a democrat. However, I am telling him now that he is wrong.

Well, if he really snipes at me, Chairman, my response is that I have "four noes", something I have already said on the radio. First, I have no concerns for myself. Mr LEE Wing-tat cited a few examples earlier, such as the boat dwellers. In fact, after I had left the University of Hong Kong — but I did not graduate then — after I had left the University of Hong Kong, I engaged in community work. There were no elections and no chances to be a Member at the time. I worked as a social worker in a religious organization, with a salary only 60% of the market rate. I have worked in the poorest district for over 30 years. From without Members to with Members; from becoming a Member to losing office; and from losing office to becoming a Member again, I have never abandoned a conviction, that is, we have to make the basic living standard of the grassroots in Hong Kong see a rise, and enable them to enjoy their fair share of the economic success of Hong Kong. We are no longer particular about our own gain or loss, be it in finance, name or fame.

Second, I have no regrets. I have no regrets that I voted in June last year in support of the enactment of local legislation today. It is because I maintain that if I did not cast that vote, the old political system would be retained and we would not discuss the issue of a single constituency or five constituencies today. In my view, even our constitutional reform just takes one little step forward, it is still one little step forward. This one little step is precisely the five FC seats in the so-called District Council (Second) FC that will be put to the vote today. This will enable over 3 million people to vote. The inevitable outcome of this one vote, be it called any names such as some FCs or some other names, is that over 3 million people can vote.

Third, I have no fears. The meaning of no fears is that when Mr WONG Yuk-man says he will snipe at me, I will tell him okay, bring it on. The reason is that I have worked in the district for 30 years. Whether my performance is good or bad is there for all kaifongs to see. In fact, he listed a number of housing estates for me, I do not wish ..... In fact, I have never counted my beans in this way. If you come to the district where I have worked for 30 years, with "Yuk-man's" high popularity, strong dynamic force, fine publicity skills — he is much smarter than me in these areas — under these circumstances, the kaifongs there will not want to have me anymore and prefer "Yuk-man", this is actually a choice between two lines of district work. I think this is a choice between lines rather than votes. If the kaifongs really choose "Yuk-man's" line, I really will not mind. If I lose to "Yuk-man" despite having worked in the district for 30 years, I would rather retire. Losing to "Yuk-man" does not mean losing the seat. Rather, it is a case of us standing for the DC election in the same district and the number of votes "Yuk-man" gets is higher than mine. I also asked him a question in return on the radio: If the number of votes I get is higher than his, which means his sniping fails and his line fails, will he retire then?

Fourth, there is no point. The practice adopted by "Yuk-man" is very different from mine nowadays, and I have criticized him over many issues. Even when he threw a banana the first time, I discussed with him in the Ante-Chamber, asking him, "Why did you do that? 'Yuk-man', I do not quite agree to you doing that." I am not going to repeat his reply now because he is not present at the moment. There is no point discussing his remarks behind his back.

What do I mean by "no point"? As universal suffrage and dual universal suffrage are our common goals, what the democratic camp exactly needs is solidarity, not the sniping he said earlier. In talking about sniping, he said, "Why can you stand for election only? Why can I not stand for election? If I stand for election, you have to let me do it, and let me face the DAB." That is all right. If a compromise can be reached, you can stand for election in any district where you can win, you can stand for election there. That is all right. However, the most important thing is: Will it work? If some people can do it; some people already there can do it, why would the democratic camp topple its democratic-camp-owned seat? Finally, he also said earlier, "If I stand for election, 'Ah Kee' and I will both lose and the DAB will benefit eventually." These are what he himself has said .....

**CHAIRMAN** (in Cantonese): Mr FUNG, as you are responding to Mr WONG Yuk-man's comments about you earlier, I thus allow you to express the views just now. However, your speech is, after all, not related to the amendment we are dealing with now, therefore, please make it as brief as possible.

**MR FREDERICK FUNG** (in Cantonese): Yes. All right, I am going to say just a few more words.

Therefore, I think if the democratic camp really wishes to pursue dual universal suffrage now, as long as the enactment of local legislation on dual universal suffrage is yet completed, before or after that day, the democratic camp will have no chips to split and no chances to split. The bigger the split, the bigger the chance of failure in the pursuit of dual universal suffrage. Even if you say it in more detail, saying that the Chief Executive election by universal suffrage is more important than the Legislative Council election by universal suffrage — assuming this is what you think — you have to wait until the enactment of local legislation on the Chief Executive election by universal suffrage is done before you can talk about whether or not the democratic camp should split, rather than discussing this subject today.

Therefore, what I mean by "no point" — I hope "Yuk-man" can hear this in the Ante-Chamber — Should the democratic camp unite now to strive for more seats together? It is because in the parliamentary assembly, seats, after all, are — I mean in the parliamentary assembly, not discussing how big the influence on

the Government or how big the power is because everyone has different views about this — however, at least, in the parliamentary assembly, particularly in the Legislative Council, the powers of influence, lobbying and veto are too important to lose. Therefore, I once asked "Yuk-man" not to do this. There is really no point doing so. At least, we have to wait until 2012 after the local legislation on the electoral package for the Chief Executive election is passed, when it is all right then for us to split in any fashion. It is all right then even if you ask Frederick FUNG not to stand for election. I may give it a thought. However, it is not the time to do it now.

Thank you, Chairman.

**CHAIRMAN** (in Cantonese): Mr Alan LEONG, this is going to be the second time you speak.

**MR ALAN LEONG** (in Cantonese): Chairman, I heard you say earlier that this is not the forum for a debate on the different lines in pursuit of democracy by the democratic camp. I have got your point. So, I hope my speech can be as concise and precise as possible. I think I have to respond to the question raised by Mr LEE Wing-tat earlier.

Chairman, Mr LEE Wing-tat asked me whether other friends in the democratic camp could think of a more effective way to pursue democracy than by casting a supportive vote on 25 June last year. The answer is definitely in the positive. Chairman, what a democratic movement needs is an opportunity and popularity. I have pointed out a number of times in my speeches in this Council that the public sentiment in Hong Kong reflected in the local opinion poll in June last year indicated that if the constitutional reform package failed to pass, Beijing should bear the responsibility, and the popularity of the Chief Executive was very low. I have been given to understand that, if the constitutional reform package failed to pass, a stand-by Chief Executive was available to assume office readily. With such an opportunity and such an objective condition, the Civic Party and I did think that if this momentum was lost, how could we be sure that the so-called "path dependence" would be realized as wished?

Chairman, this is exactly what I described as romantic. What is so romantic? It is the belief of friends in the Alliance for Universal Suffrage (AUS) that this explication of "path dependence" will be realized as they heartily wish. However, I wish to point out at the same time that, Chairman, this is unrealistic romanticism. Why? It is because its realization or not will be determined by many factors beyond your control. To gain or to lose; to take or to reject; to advance or to retreat, knowing how to manoeuvre is important. Chairman, I have also said more than once in this Council that the Civic Party does not intend to debate here to find out whether such a judgment is right or wrong and the motive behind it. It is because whether it is right or wrong will be judged by history and any discussion on the motive is meaningless.

In a nutshell, objectively speaking, the momentum was lost. If this wishful thinking of a romantic nature cannot be realized as wished by friends in the AUS, this amendment proposed by Dr Margaret NG of the Civic Party today can just be regarded as taking out insurance. If this romantic notion is proved to be unrealistic, failing to produce the result friends in the AUS wish to see; if five constituencies are delineated for the election, we will have a bigger chance if circumstances turn around. If the new seats are to be returned from one single large constituency or from a territory-wide constituency, a situation like the explication of Elsie LEUNG and CHAN Wing-kee will occur. When the people of Hong Kong accept the fact that they have only the right to vote and pursue no more for the right to nominate and the right to stand for election, how will friends in the AUS conduct themselves?

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

Deputy Chairman, I have repeatedly explicated that the democratic camp has only the need to unite, but not the chips to split. I repeat this explication of mine today. However, under this explication, I believe friends in the AUS should also understand that what I said earlier was justified. And they should never intend to say here, "Do you want 'the pot blown'? If you wish to create such a situation by 'having the pot blown' to allow you to strive for democracy, then you should vote down all the proposals raised by the Government." This is a ridiculous way of putting it.

Deputy Chairman, the Civic Party does not want to see "the pot blown". In fact, when we voted down the constitutional reform package in 2005, was "the pot blown" then? I did not see such a situation. On the contrary, with the popularity and opportunity at the time, we could have at least successfully secured a timetable, which are the years 2017 and 2020 we keep explicating and repeatedly discussing now.

Regarding the challenge posed by Mr LEE Wing-tat earlier, actually it gives me quite a surprise. Because there is really no need to ask whether the Civic Party intends to oppose all the proposals raised by the Government, voting down even all the proposals related to people's livelihood and well-being, in order to create such an environment and to take action by creating such an environment. It really surprises me that a friend on the same road to democracy, a friend having worked with me together in the Legislative Council for more than six years has put forward such reasoning and argument, for they are absolutely not true.

Deputy Chairman, I said to the Chairman earlier that I got his reminder because we are, after all, discussing the amendment proposed by Dr Margaret NG on behalf of the Civic Party. I think a rare opportunity has arisen just now for a meaningful discussion. And I believe we are not one hundred percent beyond the scope because the support for five constituencies or one single large constituency must be backed by some line of reasoning and logic, as well as some explanation for the train of thought and mindset. I believe I have said enough.

I so submit.

**DEPUTY CHAIRMAN** (in Cantonese): Mr LEE Wing-tat, this is going to be the third time you speak.

**MR LEE WING-TAT** (in Cantonese): Deputy Chairman, on this topic, I believe I will not speak again after this. First, I have asked the same question four times in these two days. I have to repeat the question that I have asked: If friends in the pan-democracy camp think that the fight for the immediate implementation of full universal suffrage in 2012 is so easy as described, has the Democratic Party

omitted doing something that makes some friends in the democratic camp such as the Civic Party, the League of Social Democrats and others who oppose the package have to add that something to facilitate the implementation of universal suffrage?

Deputy Chairman, my point is very simple. I have asked this question four times. The Democratic Party has never stopped other democratic parties/groupings from mobilizing the masses or using other channels, methods or tools that are considered fit to push for the immediate implementation of dual universal suffrage in 2012. However, why can it not happen? I gave an explanation yesterday, saying that every social or political movement actually can neither be taken for granted nor be immediately made to happen upon our wish. As I said earlier, on the day I ran in the District Council Election in 1985, I wished for the implementation of full universal suffrage. It has been 35 full years since then. Is it not my wish? However, when circumstances in society are not ready, sometimes, just saying the four words cannot make it happen.

Deputy Chairman, I am a bit surprised. I explained earlier why the Democratic Party considered conducting the special FC election in a single territory-wide constituency in keeping with our view on "path dependence". And, I also deliberately asked Mr Alan LEONG how he looked at his own explication on this issue. If I have not got it wrong, he said he had heard in June last year the possibility of a stand-by Chief Executive. In his view, if public opinion was mustered, coupled with the objection of the Legislative Council, some changes might happen. As he stopped short of saying the next few sentences, I did not know what he was going to say. He only clearly pointed out that he had heard of a stand-by Chief Executive. This is the first time I hear of this. I was a bit shocked at the time, not because of a stand-by Chief Executive, but because in my view, it is really dangerous if the assessment and planning of a political movement in society has to rely on some information yet to be confirmed.

I remember that when I was the Chairman of the Democratic Party in 2005, Mr James TO said he had heard some sources in Beijing indicate that certain political changes might occur in 2007, 2008. I thus immediately reprimanded and censured him publicly. The incident was covered in newspapers. I told him he could not, having heard some information claimed to be accurate simply through an accessible so-called communicator, take it as his reference point for



the political resistance campaign because it was really dangerous, unless the identity of your contact was confirmed, for example, Ms Elsie LEUNG, whom we contacted, held a letter in her hand telling us she represented the Central Government. Of course, it is possible that she lied to me. However, after that, her integrity would be bankrupt. However, when I hear the rumour of a stand-by Chief Executive, how can I take it as the basis for making political judgment and conducting a social movement?

Deputy Chairman, the question I raised earlier is very simple. If it is really so easy that after raising the arm and calling for action, a large number of people, say 1 million people, will take to the streets together with us to fight for dual universal suffrage in 2012, I do not think the Democratic Party will retreat from participating in it. However, at the same time, we have to accept the reality that there are different kinds of people in society. Every time when a proposal is voted down; every time when no obvious progress is made, some (not all) friends in support of democracy will feel tired. Hence, I explained earlier why the Democratic Party supports the "five seats, five seats" arrangement, representing a democratic element of 16.6%. Although this figure can be said to be very low — this is actually low and I cannot say it is high — if it is voted down, who will give me the guarantee that dual universal suffrage will be implemented in 2016? After the implementation of dual universal suffrage in 2016 is voted down, who will give me the guarantee that dual universal suffrage will be implemented in 2020? Let us not talk about incidents happened long ago, but those more recent ones. In 2003, 1 million people took to the streets. We all know that this did not change the decision of the Beijing Government at the time. It is after the honorary chairman of the Deputy Chairman's political party changed sides in the Executive Council that the Bill was stopped from submission to this Council.

(Dr Margaret NG rose)

**DEPUTY CHAIRMAN** (in Cantonese): Dr Margaret NG, is it a point of order?

**DR MARGARET NG** (in Cantonese): Yes, Deputy Chairman. I really do not understand, especially all of us are friends in the pan-democracy camp. Indeed  
.....

**DEPUTY CHAIRMAN** (in Cantonese): You can only raise a point of order.

**DR MARGARET NG** (in Cantonese): I understand Members are interested in discussing these topics. However, I hope Deputy Chairman will remind Members once again to focus the discussion on the amendment proposed by me. It will be better this way. Thank you.

**DEPUTY CHAIRMAN** (in Cantonese): Dr NG, I see your point. Actually, I have all along listened very patiently to Mr LEE Wing-tat's speech. I hope what he said earlier is an introduction to tell us why he supports one single large constituency instead of five constituencies.

Mr LEE, I have listened to you very patiently, hoping you will come to the main theme as quickly as possible. The subject of this amendment is the returning of the new seats from five constituencies or one single large constituency.

**MR LEE WING-TAT** (in Cantonese): Deputy Chairman, thank you very much for your indulgence. I think I have to get onto the main theme. I will speak one more minute before that. What I mean is that even though 1 million people took to the streets in 2003, it could not make the Government change immediately and agree not to legislate on Article 23 of the Basic Law. Of course, some people may say it was the 1 million people who forced Mr James TIEN to change. Okay, this is another way to put it.

Hence, I think there is a difference between five constituencies and one single constituency. Of course, if five constituencies are really our demand, first, we have to consider: Why are these five constituencies not included in the existing electoral method of direct election? All the substance is almost the same, including the delineation of constituencies, and so on. If other amendments proposed by Dr Margaret NG are passed as well, it will be no different from the geographical direct election system. Of course, if you ask me whether or not I want this to happen, it is actually not a matter of what I want. Rather, when one enters the stage to negotiate and confirm with other people, he has to make a choice.

Of course, as I said earlier, we have a reason to support this option of one single large constituency. The reason is that the Democratic Party supports the adoption of the German system when universal suffrage is eventually implemented, meaning half of the seats are returned by geographical direct elections, and the other half from a single territory-wide constituency, that is, the proposed constituency at present. This is intended to give the commercial and industrial sectors and the professionals who are now afraid of direct elections an opportunity to be directly elected as Members through a larger constituency even the percentage of votes they get is relatively low. This is true. We have done the calculations many times. As I said earlier, not only the commercial and industrial sectors, the real estate sector may stand a chance to win, and the representative of the Indian and Pakistani ethnic groups plus the Nepalese ethnic group may have a chance to win, too. It is because if there are really 80 seats, that is, 40-40 in future elections, they may win a seat by getting only several percents of votes.

Deputy Chairman, I am done. And I will not speak again. Thank you for your indulgence. Thank you.

**MS EMILY LAU** (in Cantonese): When I spoke on Wednesday, I actually presented my arguments. However, as we are now discussing exactly this amendment, I shall repeat them once again.

I personally supported this package last year and I urged members of the Democratic Party to give their support because I thought it represented a small step forward. What we discussed then was the five seats to be returned from functional constituencies under the proportional representation system so as to stand a bigger chance of gaining support by the other party. Deputy Chairman, as seen in the geographical elections, you can take some votes and he can also take some votes under the proportional representation system. Therefore, this was discussed at the time.

Although the Chief Executive did not state in his speech whether the seats would be returned from a territory-wide constituency or five constituencies, we thought at the time that as everybody could participate in this competition, I supported this arrangement. I also did not know what recourse there would be. I said on Wednesday that this step was squeezed out by sheer force. Mr Ronny

TONG and other Members remarked earlier that the Central Authorities had actually "rapped the gavel" and the Government had also announced "no more negotiations" and decided to resume the Second Reading on 23 June. Everything changed again later on. They called in Mr Albert HO and asked him face to face, "Is this also acceptable to you?" Then it was possible that they went to Beijing to talk and then they came back and relayed the message. Therefore, this is the package we got eventually.

Some people think that as what we got is very little, so they might as well not take it. We understand and respect their decision. However, I personally think that this is worth striving for. As to what we will get in future, as I said on Wednesday, there will definitely be nothing. Every step is pressed by force. So, no one has promised what will happen in future. I believe even in 2017 and 2020, it will not be election by genuine universal and equal suffrage. We hope major changes will occur. In that case, frankly speaking, universal suffrage can be implemented next month. However, until those changes happen, I think taking this step is worth it, thus allowing the people of Hong Kong to cast a vote and the people of the whole territory to vote together. In future when the Chief Executive is returned by universal suffrage, he is also elected by the people of the whole territory. Therefore, I support this arrangement.

One of the reasons why we supported this package at the time, as I said on Wednesday, was that we were aware of the dispirited and unhappy feeling among the people of Hong Kong. They thought it would come to nothing again. They knew there would definitely be no universal suffrage, but a lot of them wished for a small step forward. If such a small step was not taken, things vowed for 2017 and 2020 would vanish at the same time. However, does taking such a small step now mean our demands for 2017 and 2020 will sure be realized? The answer is no. We have to keep pressing. In fact, I already said all this on Wednesday. But I believe I have to do some explaining again.

**DEPUTY CHAIRMAN** (in Cantonese): I have to remind Ms Emily LAU that the focus of this amendment is on the return of the new seats from five constituencies or one single large constituency.

**MS EMILY LAU** (in Cantonese): This is exactly why I have to talk about my support for this package. It was because all of us were discussing at the time the

election by the whole territory under the proportional representation system. So, I personally held this view at the time. Today, I think as we said all this at the time, we can support many of the amendments proposed by the Civic Party, but not this one. We supported the original package at the time because many members of the public wished for a small step forward.

**DEPUTY CHAIRMAN** (in Cantonese): Mr Alan LEONG, this is going to be the third time you speak.

**MR ALAN LEONG** (in Cantonese): Deputy Chairman, I am sure my introduction needs not take as long as six minutes and 44 seconds.

I only wish to answer two questions. Mr LEE Wing-tat said he had asked this question four times: Exactly what ways can other friends in the pan-democracy camp take to facilitate the immediate implementation of universal suffrage? I have also asked a question a number of times: How can the current accepted constitutional reform package guarantee it will be the basis on which election by universal and equal suffrage will be implemented in 2020? I have also asked this question a number of times but received no replies from anybody. On the contrary, to Mr LEE's question, I have an answer: Nobody demanded immediate universal suffrage. Rather, we said at the time that we hoped to press for a roadmap. However, due to the voting on 25 June, a roadmap will never be seen. This is the first answer.

Mr LEE also asked me: Can I guarantee that after we voted down the constitutional reform package on 25 June, universal suffrage will definitely be implemented? I have this question for friends in the Alliance for Universal Suffrage: Can they guarantee that after they accepted this package, the Chief Executive and the Legislative Council Members will be returned by election by genuine universal and equal suffrage of the one-person-one-vote model in 2017 and 2020? I think our biggest difference may lie in this.

I will only repeat it once. The Civic Party still believes in the people of Hong Kong. We still believe that given the objective situation at the time, as long as the momentum was maintained, we could have pressed for a roadmap. Even Chairman Albert HO said at the debate last year, and repeated afterwards that if the

"five-constituency by-elections, *de-facto* referendum" campaign was not held, the final concession "625" package proposed by the Government and accepted by Beijing might not have come about. The democratic camp needs to unite and holds no chips to split. I hope that after this debate, we will respect why the other party has come to this position today.

Deputy Chairman, I will return to the main theme. Why does the Civic Party very much hope that Members will support the amendment proposed by Dr Margaret NG on behalf of the Party? It is because if the romantic notion of friends in the Alliance for Universal Suffrage proves to be unrealistic and fails to achieve what they wish to see, it will be at least easier to backtrack by dividing one large constituency into five constituencies.

I so submit.

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

**MR ALBERT CHAN** (in Cantonese): Deputy Chairman, every political system, especially in terms of delineation of constituencies, has its own logical thinking and theoretical base. It is because the delineation of constituencies, regardless of their sizes, is definitely biased in favour of certain social groups and organizations. In deciding whether to support the Second Reading of the Bill, these issues should be straightened out and a clear direction and decision determined. At the Second Reading, the spirit and principle of the Bill, as well as the details of the clauses should be regarded as an entity. It is impossible for Members to support its Second Reading, and when it comes to the major content of the Bill, particularly the issue concerning one constituency or five constituencies ..... if Members still had disagreements over the Bill and also over the Government's proposals for the delineation of constituencies, despite their support for the Second Reading of the Bill, and yet expressed dissatisfaction with one single large constituency in a hypocritical manner. I personally think that this gives me a strong impression of shedding crocodile tears or acting like a hypocrite. Obviously, if this proposal of five constituencies was not accepted by the Government at the beginning, or behind-the-scene politics was conducted with some people behind closed doors and rash support was given to this "bogus constitutional reform package" before a

categorical consensus or decision on these provisions was reached, such behaviour can be described as absolutely shameless and irresponsible.

Deputy Chairman, talking about the issue of five constituencies or one constituency, as I said earlier, the delineation of constituencies bears a causal relationship with the tilt to some social groups and making of choices. It is because the size of constituencies has a close relationship with the support of social groups and the allocation of resources. To put it simply, take the delineation of smaller constituencies within the five constituencies as an example. The power of the rural faction in New Territories East and West, to a certain extent, will have some influence. However, if it turns out to be a single large constituency, the influence of the rural and district factions, to a certain extent, will be reduced to a minimum. For instance, in the case of five constituencies, an analysis purely based on politics and political mobilization power tells us the FTU will definitely stand to benefit most, right? It is because the 300 000 members of the FTU are distributed across the whole territory and in a relatively even manner. Therefore, in terms of political influence and power of mobilization in a single large constituency, it will inevitably benefit. Moreover, the two large political parties, namely, the DAB and the Democratic Party will inevitably benefit, too. Over the past decade or two, these two large political parties, no matter whether in the District Council elections, the two former Municipal Council elections or the Legislative Council elections, have built up certain established community contacts and even some "stakes", as well as political influence.

I also made an analysis in my speech yesterday. In the so-called new FC election this time, these three organizations will definitely win two seats, taking three of the five seats. Therefore, in the delineation of constituencies for the election as a whole, some political parties will inevitably have vested interests under the electoral system. However, if it turns out to be five constituencies, the say of the rural faction will increase because it certainly has an influence in New Territories East and West, right? An incident is deep in my memory. In the 1990s, I assisted Mr Albert HO in his election campaign in Tuen Mun and his opponent was TANG Siu-tong. Given the rural power in Tuen Mun and Yuen Long, they were almost invincible in the districts. With the exception of NG Ming-yam, who could establish a strong and powerful support force in Tuen Mun and Yuen Long by his drive and enthusiasm, many new-starters were unable to challenge the rural power all those years ago.

Therefore, this proposal of the Government now is definitely tailor-made for some political parties. This is very obvious, right? Buddy, some political parties have really pledged to support this "bogus constitutional reform package" to death, even with the sacrifice of their political principle and the burial of their conscience, right? To support the "bogus constitutional reform package", they have even thrown away their political platform, so they sure will get a share. For this reason, we have criticized a number of times that the design of a political system can also be a kind of transfer of benefits, tailor-made for some political parties.

A Member has said that if the nomination procedure and electoral method of this political system are in favour of some political parties and unfair to some others, he will take the blame and resign. I wish to see whether he will do so after the passage of the Bill later. I will also replay the recorded speeches of some people for Members' enjoyment later. According to the record, some people pretended to have a sense of justice in all seriousness on some occasions. However, when he faced the distribution of benefit, he was like an apologist "dog" as long as he could get a share. As I said earlier, he was like a dog. When its master gave it a bone, it went to "lick" it. After "licking" it, its two ears drooped and its tail wagged. They are very much alike, right? It is like the Communist Party giving them a bone after an agreement is reached by behind-the-scene politics. In this super DC election, he will definitely get a seat. A bone will be given to him to "lick". In this way, such political parties will wag their tails, right? They pretend to be authoritative before the masses while they act like an apologist "dog" before their master. It is all too obvious that they can get some benefit, right? As he can get some benefit, he then throws away all the principle of democracy, fairness and justice, the people's right to know, and so on.

Over the past two decades, the democratic camp has all along insisted that any policies formulated by the Government must have transparency and undergo public consultation, and that all policies must be approved and mandated by the people. This has remained unchanged for two decades. In the years when the United Democrats of Hong Kong was under the leadership of Martin LEE, they had many confrontations and conflicts with the Hong Kong British Government. They also insisted that policies must have transparency and undergo public consultation. Unexpectedly, after Martin LEE ceased to be the Chairman of the Democratic Party, it has gone to such an awful extreme. They accepted



behind-the-scene politics and decided behind the scene the political right of 7 million people all because of this "dog bone".

I said years ago before I quitted the Democratic Party that the existence of the Democratic Party was meant for those incumbent Members to remain as Members. I have maintained this view for over 10 years. They did many things in the past, for example, about internal resource allocation and election strategy, and so on, all for the purpose of facilitating Members sitting in this Chamber in continuing to be Members ..... I was not quite happy with many of its resource allocation arrangements at the time. I also thought that district work should involve more efforts to serve the people, but they did not do so at all. Some great Members had two staff members to serve them. Mr FUNG Chi-wood also kicked up a row all those years ago, asking why he was served by only half a staff member when he was the spokesperson for the environmental policy, and some Members had two staff members to serve them. The situation of privilege .....

**DEPUTY CHAIRMAN** (in Cantonese): Mr CHAN, I have to remind you to come back to the subject of five constituencies.

**MR ALBERT CHAN** (in Cantonese): ..... No, I am only trying to analyse why some political parties ..... Deputy Chairman, this is related. Why have some political parties rendered such support to the super DC? It is because those Members themselves will stand to benefit. They are afraid there is a chance of them losing in geographical direct elections. And, they are aware that the support for them is on the decline.

As Mr WONG Yuk-man said yesterday, when Mr Jasper TSANG, our President, was still a Legislative Council Member years ago — he is still a Member now, during his debate with the Democratic Party in the Legislative Council at the time, he insulted Mr LEE Wing-tat. Mr LEE Wing-tat was the Chairman at the time, right? Mr WONG Yuk-man also said yesterday that the number of seats of the Democratic Party in the Legislative Council had been on the increase in the past. However, while the number of directly-elected seats was on the rise, the number of seats of the Democratic Party was on the drop. This is what he said. The incumbent Members of the Democratic Party are

worried that the number of seats of the Democratic Party will drop further and they cannot continue to be Members, so they have to think of a way to enable them to continue to be Members. The safest way is to increase the number of seats. The increase in the number of seats will boost their chance of re-election.

Deputy Chairman, I have to declare that I have also benefitted from the increase in the number of seats. Therefore, I have a good understanding of this system. When I stood for election in 2000, I ranked sixth in New Territories West and won by a narrow margin. In 2004, the number of seats in New Territories West increased from six to eight. My ranking dropped from the sixth to the eighth and I won by a narrow margin again. If the number of seats did not see an increase, I would have already lost in 2004. Therefore, the increase in the number of seats will affect the re-election of incumbent Members ..... However, I will not sell out my conscience; nor will I sell out my political platform because I have a chance of re-election. This is the sort of integrity and attitude expected of every political figure.

Therefore, I have spoken a number of times today — this is the third time I speak. Deputy Chairman, every time when I speak, those in the Democratic Party will act like "political deserters", which is extremely awful of them. I remember during the years when the Democratic Party was under the leadership of Martin LEE, the Democratic Party always challenged the DAB. "Uncle Wah" always waited until Mr Jasper TSANG finished speaking to debate with him; I always waited for Mr CHAN Kam-lam; Mr LEE Wing-tat always waited for Mr IP Kowk-him; Mr Andrew CHENG always waited for Mr LAU Kong-wah; and some others always attended to Mr TAM Yiu-chung. Such were the standing arrangements.

During the debate, we sometimes took the initiative to challenge others. In particular, on transport issues, Mr Andrew CHENG would provoke Mr LAU Kong-wah into giving a speech, and another Member would then challenge him. Mr WONG Yuk-man and I today have criticized the Democratic Party a number of times for its line and its betrayal of the people of Hong Kong. Should this happen in the 1990s, the Democratic Party would have crossed verbal swords with us in the debate in this Chamber time and again — Mr Albert HO left shortly after coming in. He does not even dare to participate in the debate when debates form the most important link in this Chamber. Why has the Democratic Party

betrayed the electors? Why has it accepted behind-the-scene politics? Why has it abandoned its 2008 political platform? At such an important historic moment in this Chamber, the Democratic Party has been criticized and condemned a number of times, but why has it not made any responses? Where has its political conscience gone? Where has the political courage of the Democratic Party gone?

However, the Democratic Party has the habit of betraying the people. I have also cited some examples a number of times. In 1999, it betrayed workers in its opposition to the setting of a minimum wage; then it betrayed social workers in its support for the lump sum grant arrangement for the welfare sector; and then it betrayed the right and interest of the public housing residents and the grassroots in its support for the listing of The LINK REIT. It has betrayed the people time and again at the policy level. The latest example is the "West Kowloon" incident. SIN Chung-kai, the vice-chairman of the Democratic Party, chairs the Remuneration Committee of the West Kowloon project. And, he has made a mess of the staff appointment of the West Kowloon project. I do not quite understand why the Government has appointed him as the chairman. What experiences and abilities he has that make him qualified to bear this great responsibility of personnel management of the West Kowloon project .....

**DEPUTY CHAIRMAN** (in Cantonese): Mr CHAN, you have strayed too far. You have spent over 10 minutes on the introduction. Please come back to the question.

**MR ALBERT CHAN** (in Cantonese): Deputy Chairman, as Mr WONG Yuk-man said earlier, we speak and speak, straying into the ocean and then back .....

**DEPUTY CHAIRMAN** (in Cantonese): Come ashore, right?

**MR ALBERT CHAN** (in Cantonese): Deputy Chairman, this phrase should be given to the Democratic Party. "Come ashore" is not something you should say to me. We should focus on and come back to this question.

However, Deputy Chairman, no matter what the size of the constituency is, it is not acceptable to the People Power because it is a FC system by nature, which is an unfair, unequal and unreasonable system. Regarding elections, we must consider not only the number of electors, but also the criteria for nomination. Nomination is an absolutely serious business. Since the process of nomination is neither fair nor just, no matter what the size of the constituency is, it is not acceptable to us. It is like the Chief Executive election. It is said that in the Chief Executive Election in 2017, candidates will be nominated by the nominating committee and then chosen by the people of Hong Kong. When asked to choose between a rotten orange and a rotten apple, why should I choose? Again, in the DC election, I will be given a rotten orange, a rotten apple, as well as a rotten pineapple — tossing pineapples<sup>2</sup> is one of the features of the FTU as they used to do so in the 1960s.

The people are given rotten fruits as choices. Therefore, a "none of the above" system should be put in place. As "Yuk-man" said, such a proposal was also raised in Taiwan, but it failed to pass. Such a system should be put in place. If the number of opposing votes is more than that of supporting votes, the results should be revoked and declared invalid. However, I believe this is just a matter of casual talk. On the whole, this evil FC system must be abolished. If this system is not abolished (*The buzzer sounded*) ..... we will continue to oppose it.

**DEPUTY CHAIRMAN** (in Cantonese): Mr CHAN, your speaking time is up. Does any other Member wish to speak?

(No Member indicated a wish to speak)

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Deputy Chairman, in this session, Members of different political parties and groupings have expressed many opinions. I will respond to some of these opinions and explain further our policy mindset.

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<sup>2</sup> "Pineapples" are a synonym for home-made bombs in Cantonese colloquialism in Hong Kong during the riots of the 1960s.

In this session, Mr Ronny TONG made some conjectures earlier about the role of the SAR Government in the "one-person-two-votes" package. I can tell Honourable Members here that in the few months leading up to the voting in June 2010, we had been following carefully the opinions of different political parties and groupings and Honourable Members on the 2012 constitutional reform package. Besides, we also kept the Central Government informed of the opinion of Hong Kong society in general, and even took the initiative to report and raise proposals. Therefore, in the most crucial days between mid-June and the last 10-day period of June, the high-level officials of the SAR Government had continued to exert their utmost to fight for the space for the reaching of a consensus on this issue with different political parties and groupings.

Second, I wish to talk about the subject of this debate today: Should the five Legislative Council seats be returned from one single large constituency or one from each of the five constituencies? At the Legislative Council debate on the 2012 constitutional reform package held on 23 June, I stated our basic policy position on behalf of the SAR Government. Deputy Chairman, please allow me to quote my own remarks on that day: "In view of Members' grave concern about how local legislation will be enacted, I will respond to the issue from two aspects in particular. Let me come back to the "one-person-two-votes" package. The most crucial details of this package are already very clear. Insofar as the number of electors is concerned, five Legislative Council representatives, whom will be nominated by 400-odd elected District Council members, will be returned by approximately 3.2 million electors under the proportional representation system."

It is hoped that by adopting the concept of the "proportional representation system", political parties and groupings, big or small, and independent DC members in Hong Kong can have an opportunity to run in this election. Mr Frederick FUNG has made a detailed analysis, saying the return of these five seats from one single large constituency comprising Hong Kong Island, Kowloon and the New Territories will give political parties and groupings of a certain scale a definite chance. However, according to our analysis, small political parties and groupings will have a chance, too. Actually, I have done some analyses. The ADPL, to which Mr Frederick FUNG belongs, has a certain degree of influence in Kowloon West and New Territories West. If they decide to run and strive for support in the other districts, they will have a chance to win. Mr WONG Yuk-man mentioned that when I talked to him in the Ante-Chamber

several weeks ago, I asked him why he would not run in the election for the "super seats". Deputy Chairman, why did I say so? It is because we now have five seats. Under the "list voting system" and "proportional representation system", with which we are very familiar, it needs 20% of the valid votes cast to win a seat. However, when it comes to the last seat, experiences gained from geographical direct elections over the past years tell us that it is possible to secure this last seat by approximately over 10% of the votes.

If we review the performance of Mr WONG Yuk-man in the election in the Kowloon West Constituency in the previous term, from some 200 000 votes cast in that constituency, he got over 37 000 votes. Of course, even with Mr WONG Yuk-man's background and level of support, he has to strive for the support of "stakes" in the other four constituencies, and to continue to maintain his notoriety.

Deputy Chairman, I have mentioned the ADPL and Mr WONG Yuk-man in particular to show Honourable Members a picture — no matter whether they are large political parties and groupings, small political parties and groupings or independent DC members, they all have a chance to win the new five DC seats. No special favour will be given to big or small political parties and groupings.

Another issue of concern raised by Honourable Members at the beginning of this session of debate is: Why are the election expenses for these five new seats capped at \$6 million? The Civic Party holds that by dividing the one single large constituency into five constituencies, the upper limit of election expenses can be adjusted downwards.

Deputy Chairman, the \$6 million upper limit of election expenses proposed after the government research conducted in autumn is a very realistic starting point. It is because to run in the election for the five seats in that one single large constituency, every list or candidate has to face 3.2 million electors. The printing cost of pamphlets alone may take over \$3 million. And, it is estimated that \$2 million to \$3 million has to be spent on electioneering activities — such as seeking helpers to "sweep the buildings", to hang banners, and so on, in various districts in Hong Kong Island, Kowloon and the New Territories. Therefore, according to our estimates, \$6 million is a realistic figure.

However, if the one single large constituency comprising Hong Kong Island, Kowloon and the New Territories were divided into five constituencies, what would happen? It is like the division into five large constituencies in geographical direct elections. The upper limits of the expenses for geographical direct elections over the years are: \$2,625,000 for New Territories East and New Territories West, around \$1.5 million for Kowloon East and Kowloon West, and \$2.1 million for Hong Kong Island. The sum total of the expenses in the five large constituencies is actually over \$10 million. If a certain political party or grouping sends its members to run in the election of the "super five seats" in all the five constituencies, the division into five constituencies, on the contrary, cannot help the total expenditure on campaign funding. In the absence of economy of scale, it will not be as convenient as in running in one single large territory-wide constituency to face 3.2 million electors at one go and to do publicity at one go. Therefore, we have two considerations: First, to allow political parties and groupings, big or small, to have a chance to contest these five seats. So, Hong Kong Island, Kowloon and the New Territories will form one single large constituency. And, the Government has set the upper limit of election expenses in a more realistic manner.

Deputy Chairman, during the debate, I have observed that different political parties and groupings have their own ideas about the strategy of striving for universal suffrage. Of course, these are opinions inside the political parties and groupings for exchange and debate among Members. I wish to make some comments here. During the debate, some Members mentioned that the 2007-2008 constitutional reform package had been voted down by this Council in 2005. Exactly what were the consequences? In December 2005 — I should be standing there at the time — a few months after the said package had been voted down, we met with some Members of Parliament (MPs) from Canada and the United Kingdom visiting Hong Kong. They were quite surprised at the time. These foreign parliamentary representatives had rich experience in politics, as well as a good understanding of the public sentiments and extensive involvement in various issues in their own countries. They were also concerned about the political development in different places of the world such as the Middle East. When they heard that Hong Kong originally had a package which could bring all DC members into this Council and an increase in the number of elected Members, they wondered why it was voted down by the joint efforts of different political parties and groupings. It is because to these foreign MPs with years of

experience in politics, when they could successfully fight for some new space, they would then make use of such space to continue their fight. Therefore, they were astonished. I explained to them that we had to face the political reality in this Council. But we would not come to a halt. Instead, we would continue to research on issues such as the timetable for universal suffrage.

Here, I wish to say something again to Members. Mr Alan LEONG asked: Should the "one-person-two-votes" package be passed and put into practice in 2012, why can we say that Hong Kong is nearing the achievement of universal suffrage? The logic in this is actually very clear. It is because among the 60 seats in this Council at present, half of them are returned by geographical direct elections, and the other half from FCs. In 2012, 40 seats will actually be elected by over 3 million registered electors, that is, almost 60% of the seats. This proposal is definitely nearer to the ultimate election of the Legislative Council by universal suffrage in 2020 than the method of forming this Council now.

Referring to what Mr Alan LEONG and other Members said, if the 2007-2008 constitutional reform package was not voted down in 2005, will it help the formulation or determination of the timetable for universal suffrage? I can tell Members that the voting down of the 2007-2008 constitutional reform package by this Council all those years ago did make it more difficult for us to negotiate with the NPCSC for a categorical stipulation in its 2007 Decision a timetable for the election of the Chief Executive by universal suffrage in 2017 and the election of the Legislative Council by universal suffrage in 2020. However, we did not stop there. We continued to try our best in the negotiations, and carried on discussions with Members.

Deputy Chairman, today, we have got the timetable for universal suffrage in 2017 and 2020, as well as the "one-person-two-votes" package in 2012, which are two crucial milestones that bring us closer to the implementation of universal suffrage. Therefore, despite Members' different views in terms of politics or policy stance on the 2012 constitutional reform package last year or even today, should these two Bills be successfully passed and brought into force, and the 2012 electoral methods finalized, I welcome Members' full participation in the various elections in September next year.

Deputy Chairman, I so submit.



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

**DR MARGARET NG** (in Cantonese): Deputy Chairman, perhaps the Secretary wishes to wind up the debate on this amendment today in a light-hearted, "kidding" manner. First, he said when we had voted down the constitutional reform package in 2005, those foreigners were quite surprised, querying why we had abandoned such a good package. These were the experiences the Secretary told us. I do not intend to suspect whether those foreigners actually made those remarks. However, I also have some experience in having conversations with foreigners. Very often, after I answered the question they raised, they would say, "What? This is not what your government officials told us. I only learn that those government officials told 'a partial story' after hearing what you said. If it is really like what you said, we will certainly have a completely different opinion." So, Deputy President, making reference to conversations with foreigners, their opinion on you, good or bad, is actually "a waste of breath". "A waste of breath" is a pet phrase of Ms Audrey EU when she comments on others. I find this is an occasion on which I can say "a waste of breath" aptly.

Besides, he said the voting down of the package by this Council in 2005 had made their task more difficult. Deputy Chairman, by the same token, they may always say that if you do not fight for it, we may give it to you; if you fight for it, you will make a delay of it instead. If you told us in 2005 that universal suffrage, genuine universal suffrage, would be achieved in 2017, and if we said no to it, it is another matter. However, you did not tell us anything in 2005. Then you told us even if it were passed, we would just be given these things. However, if you voted it down, they would tell you afterwards that it would actually be like that in 2017, and it would actually be like that in 2020. All this has never been worth our trust.

Deputy Chairman, another "laughable" point is that the Secretary told us that a division into five large constituencies ..... We come back to the main theme now, instead of talking about scores old and new; feelings good and bad. We will return to the main theme of the amendment concerning five constituencies or one single constituency. According to the Secretary, if the seats are returned from five large constituencies, the sum total of election expenses for five constituencies,

calculated on the basis of the funding for direct elections now, is almost \$10 million. Is it not higher than \$6 million? This is like what a salesman will tell you. If you buy only one item, such as a phone, you need to pay this amount of money, say \$2,000. If you buy it one by one, you have to pay \$10,000. However, if you buy five at one go, you will have a 20% discount instead. It is exactly like this. In fact, if it is divided into five constituencies, exactly each of ..... If some political parties plan to stand for election in one or two constituencies only, this is their own decision. However, your proposal now is either one single constituency, or no negotiations at all. This gives us the impression that more restrictions are imposed on candidates with or without political party affiliation.

Deputy Chairman, I understand why friends in the Democratic Party do not support this amendment of mine today. However, it seems that they have two different reasons. Ms Emily LAU's reason is that that was how it was discussed during the negotiation at the time. There is no need to repeatedly examine whether or not the negotiation was necessary; whether or not the discussion should be conducted behind closed doors, and so on. According to Ms Emily LAU, that was how it was discussed at the time and they said yes then, so they were not going to backtrack today and they were also not going to turn back. This is one way of putting it. Certainly, we can have no more negotiations. You have already said yes to the other people and you do not want to change. However, it seems that Mr LEE Wing-tat has told a totally different story. He asked: Why is it necessary to have one single large constituency? And, he told us, first, it was because under the ultimate universal suffrage package agreed by the pan-democracy camp, half of the seats would be returned from geographical constituencies with the single-seat-single-vote method, in which the constituencies were small; and the other half would be returned from one single territory-wide constituency under the proportional representation system. In his view, due to this reason, it is now like doing some warm-up exercise, which is in keeping with their way to allow members of the business sector or the ethnic minority groups to stand for election that way.

However, Mr LEE Wing-tat, actually, when the time comes ..... Sorry, there is no one behind ..... If the ultimate package is adopted then, the way of implementing it will be different. Why? It is because universal suffrage in geographical constituencies will be implemented under the single-seat-single-vote system in small constituencies. Those important issues will not get the support

of so many people in every constituency. Then how will the election be conducted? We can imagine some groups with special concern, such as the Green Party, are typical examples. The single issue emphasized them is environmental protection or support for the rights of ethnic minority groups. Therefore, their base is not district issues of the five large constituencies, but rather special issues. However, the super DC seats you are now talking about actually involve a district instead of a single issue of any nature across the whole territory, or the representation of certain social groups or the business sector. The electoral method is completely different because the target electors are completely different.

Mr LEE Wing-tat said there was another merit. If universal suffrage is really implemented in 2017 — this is again different from what Ms Emily LAU said, she told us it was impossible to elect the Chief Executive by universal suffrage in 2017 and we should not even think about it — he is more optimistic. If the Chief Executive is to be elected by universal suffrage in 2017, he will be returned from a single large territory-wide constituency as well. We might as well see the current arrangement as some practice. I really do not know what we have to practise for. It is just putting a ballot into a ballot box and having a look at the candidates' political platforms after all. However, I am a bit concerned: What kind of a prelude is it? If the election of the present super DC seats is a prelude of the future Chief Executive election in 2017, will it be like what Mr LEE Wing-tat said, similar restrictions will be imposed on the right to nominate and the right to stand for election in the Chief Executive Election in 2017? Are the people going to vote only, but without any choice? This only makes me worry more.

Deputy Chairman, Mr Frederick FUNG's speech referred to many analyses, many of which I also agree, including what criteria to be used to determine the winner and the loser; the influence of the media, and so on. Generally speaking, I agree to them all.

Deputy Chairman, I wish to talk in particular about a point raised by Mr Albert CHAN, which concerns a candidate's different degree of support in different districts. For example, if you do a lot of district work in New Territories East, or your political platform satisfies the residents in that district, you will have an edge in that district and choose to stand for election there. On

the contrary, if you think you lack support in another district, you need not invest your resources there. I think this is a very pragmatic viewpoint.

Hence, Deputy Chairman, summing up all the views of the Members, I cannot see any merits in the electoral arrangement of one single large constituency. Even though there are District Council (Second) FC seats, I still cannot see any merits in the one single large constituency. On the contrary, the division into five constituencies has many merits. However, the example of phone purchase should not be considered — even if buying five phones at one go can get a discount, who will buy all the other phones just for the discount when he originally wants to buy one only? Deputy Chairman, sorry, I think this example is actually not a very good one. It is just after listening to the Secretary's so humorous remarks that I think it is inappropriate for me to give a response in a very serious manner.

Deputy Chairman, as I assume Members have read the provision of the amendment itself, I did not put it clearly at the beginning. The present amendment is to clause 12(3). Apart from mentioning the five constituencies, as we are making some changes to the present proposed clause 21C, so the material effect of our amendment is the division into five constituencies. And, these constituencies are the same as the five constituencies for the present direct elections, that is, the same constituencies will be adopted and one DC FC seat will be returned from each of the constituencies — one Legislative Council Member from the District Council (Second) FC seat. Thank you, Deputy Chairman.

**DEPUTY CHAIRMAN** (in Cantonese): Before I put to you the question on Dr Margret NG's amendment to clause 12, I wish to remind Members that if Dr Margaret NG's amendment is negated, the Committee needs not proceed to the proposed new clause 3A.

**DEPUTY CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Dr Margaret NG to clause 12 be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Dr Margaret NG rose to claim a division.

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

(When the division bell was ringing, THE CHAIRMAN resumed the Chair)

**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 voted for the amendment.

Dr Raymond HO, Mr CHEUNG Man-kwong, 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, Dr Joseph LEE, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kowk-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted against the amendment.

Geographical Constituencies:

Mr Frederick FUNG, Ms Audrey EU, Mr Alan LEONG and Miss Tanya CHAN voted for the amendment.

Mr Albert HO, Mr Fred LI, Mr James TO, Mr CHAN Kam-lam, Mr LAU Kong-wah, Ms Emily LAU, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Mr LEE Wing-tat, Mr CHEUNG Hok-ming, Mr KAM Nai-wai, Ms Starry LEE, Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Sing-chi and Mr WONG Kwok-kin 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, 24 were present, one was in favour of the amendment and 23 against it; while among the Members returned by geographical constituencies through direct elections, 21 were present, four were in favour of the amendment and 16 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): As Dr Margaret NG's amendment has been negatived, this Committee will not proceed to the proposed new clause 3A.

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That clause 12 stands part of the Bill.

**CHAIRMAN** (in Cantonese): Will those in favour please raise their hands?

(Members raised their hands)

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

(No Members raised their hands)

**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 15, 17, 18 and 46.

**CHAIRMAN** (in Cantonese): I hope the debate in this session will not involve so many two-line conflicts. *(Laughter)*

**CHAIRMAN** (in Cantonese): Dr Margaret NG has given notice to move an amendment to clause 15 and the deletion of clauses 17 and 18. Mr WONG Kwok-kin has also given notice to move an amendment to clause 15. Moreover, Mr Paul TSE has also given notice to move amendments to clauses 15 and 46.

If Dr Margaret NG's amendment is passed, Mr WONG Kwok-kin may not move his amendment.

Moreover, if the respective amendment moved by Dr Margaret NG or Mr WONG Kwok-kin is passed, Mr Paul TSE will withdraw his amendments to clauses 15 and 46.

**CHAIRMAN** (in Cantonese): Members may now have a joint debate on the original clauses and the respective amendments of Dr Margaret NG, Mr WONG Kwok-kin and Mr Paul TSE. I shall call upon Dr Margaret NG to speak and move her amendment first. Then I shall call upon Mr WONG Kwok-kin and Mr Paul TSE to speak, but no amendments will be moved at this stage.

**DR MARGARET NG** (in Cantonese): Chairman, I move the amendment to clause 15 and the deletion of clause 17 and clause 18.

Chairman, this is a very important debate. After we finish dealing with this amendment, the next amendment ..... This amendment concerns the nomination in respect of seats of the District Council (second) Functional Constituency (FC) ..... the eligibility for nomination means the eligibility to stand for election. That is to say, who has the right to stand for election. At present, only elected District Council members have the right to stand for election. This amendment seeks to allow all those eligible to vote in the District Council (DC) election to have the right to stand for election. The next amendment seeks to allow all those who have the right to vote in the DC election to be eligible to nominate. Chairman, given the fact that these two issues are actually about the same thing, I, if you so permit, am not going to separate them. I will just state the principle. In terms of procedures, I certainly will not move the next amendment now. Chairman, if this amendment ..... Mr WONG Kwok-kin should know that if this amendment is passed, his wish will come true. That means Miss CHAN Yuen-han, our former colleague, definitely can stand for election. Hence, I hope that Mr WONG Kwok-kin will support us.

Chairman, there is the argument saying that in respect of the right to nominate, if those who are not DC members can nominate or run, it means that the entire population can run or nominate. Then how can that be called a FC? Chairman, such an argument is in fact ridiculous. I know not why DCs can be a FC. However, this is already water flowing under a bridge — something quite of the past. As we already have had the DC FC seats, he now says things in accordance with the provision. The provision appearing in the Blue Bill as clause 13, that is, C1802, says that all those registered in any functional constituency (excluding the District Council (second) functional constituency) shall, for the purpose of section 2, be deemed to be eligible for registration in the District Council (second) functional constituency. In other words, this is a negative condition. If one does not belong to ..... even one who has not registered in other FCs can be a qualified elector of the District Council (second) FC. I have made no amendment to this definition. The Bill so provides. If this is the definition of FC, does it matter as to who can nominate and run? So, this is not the definition of such a FC. As mentioned by me, Miss Elsie LEUNG said that she once thought that the improved package proposed by the Democratic



Party was direct election in disguise, or direct election rather than FC election. However, she now realized that all those eligible to vote in all other FCs are excluded from this constituency. As it can be so defined, this is really a FC. Therefore, this has been made quite clear.

However, some Honourable Members said that Secretary WONG Yan-lung did not mean that. He said that the District Council (second) FC was a FC, not direct election of a geographical constituency and the key rested on the separation of the right to nominate and to stand for election from the right to vote. They were separate rights. The fact is that it is impossible for separate rights to be the feature of a FC, the reason being that at present all FCs have not got such a feature. If there were to be such separation, the Secretary, I am afraid, would be cheating all electors on earth. It is because 2 million to 3 million people will, according to the Secretary, have the right to vote. Originally, they do not have any right to vote in FCs. They are to have such a right now. However, what they get is not the right to vote. The reason is that the right to vote is always three-in-one. Why? According to the definition of universal suffrage under article 25 of the International Covenant on Human Rights, electors should enjoy the right to vote in election by universal and equal suffrage. This is the first point. There will be an election, but it will be neither universal nor equal as it is confined to a certain constituency. What is meant by the right to vote? The same provision stipulates that all citizens shall have the right to vote and to be elected at genuine periodic elections held regularly. The right to vote means the right to be elected and the right to nominate. Three are combined into one. It is just like giving me a \$1,000 note with one half torn away. No longer a \$1,000 note, it is useless.

So, Chairman, this is a matter of principle. The right to stand for election, the right to nominate and the right to vote are the three rights that brook no separation. In our opinion, to do so may undermine the most basic so-called right to vote. It is not that after the nomination of a candidate amidst a lot of restrictions, I could vote in name only. It should not go like that. To go like that will turn our election into a laughingstock. Chairman, we have the strong worry that the Government will keep on applying this concept. It is because that may lead to a lot of nondescript issues in the future. If the Government does not expand it to make it become three-in-one, there will be one defect too. It will

not be defective just in principle. At present, there are 412 elected DC members. If one is to be elected, then 412 persons have the right to nominate one person and elect one person. This is already a very small constituency. Even though the Government says it will be enlarged to become a constituency of over 2 million people, we basically are still talking about the 412 persons.

In other words, we can pick some FCs, not necessarily as small as the one consisting of only 141 persons mentioned by Mr CHAN Kin-por. Even some very small FCs have quite a few candidates. Just as stated by me, if members of the legal profession dislike Margaret NG, only 10 persons can get another person nominated. In a more extreme scenario, there can be 10 or even 20 nominees. There can be a lot of nominees from 6 000 electors. Well, if 412 electors can nominate only one person and there are only 412 persons eligible to run, such a constituency is indeed very small. I do not think doing so can expand our right to vote.

Chairman, no matter in terms of principle or practicality, we cannot accept having this single right divided into three. We, therefore, propose two amendments, which, in view of the text, are probably not easy for Members to comprehend. Chairman, I therefore ask Members to take a look at the amendments, particularly important is the amendment to clause 15. Clause 15: deleting "the District Council (second) functional constituency"; and clause 15(3): deleting "the District Council (second) functional constituency". In this way, the "(second) functional constituency" is not going to have different candidates or nominators as provided for by the authorities under these provisions. Clause 15(3): "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)." "Specified persons" mean all those eligible to vote in District Council elections. That is to say, all voters are eligible both to nominate and to run.

Chairman, we are in fact not without justification. Who may run in FC elections? They have got to be those closely associated with the FCs. I think Mr WONG Kwok-kin holds the same view. Former District Board/Council members are also individuals with close and tight ties with the DCs. We merely adopt the same principle, and are of the view that all those having the right to

vote are closely associated with the District Councils. We, therefore, put forward this amendment.

Thank you, Chairman.

*Proposed amendments*

**Clause 15 (see Annex II)**

**Clause 17 (see Annex II)**

**Clause 18 (see Annex II)**

**MR WONG KWOK-KIN** (in Cantonese): Chairman, we, the Federation of Trade Unions, proceed from the perspective of actual operation. Of course, before finding out whether or not the 3 million-odd electors have close ties with the DCs, we would like to affirm one point, namely, that former District Board/District Council (DB/DC) members are closely associated with the District Councils.

Chairman, with regard to the Legislative Council (Amendment) Bill 2010 presented by the Government, there have been quite a few proposals and amendments from the Government. We give them our support. However, part of them is about a newly-created FC, that is, the District Council (second) functional constituency. Eligibility to run for the five seats is confined to incumbent elected DC members. We, however, think that the restriction can be further relaxed. If it can be relaxed to include former DB/DC members, then we in Hong Kong can see more persons with political talent or aspiration run for seats in the Legislative Council through this channel. We, therefore, put forward this amendment.

There is a rumour in the community these days alleging that, in putting forward this amendment, we are laying the groundwork for the return of CHAN Yuen-han. Surely, people have their own reasons. However, I would like to point out that CHAN Yuen-han certainly is not the sole person with political talent in Hong Kong. Given CHAN Yuen-han's influence in the community and her political experience, nobody will, I think, believe that she needs to rely on us

to lay the groundwork for her comeback. I also do not think she is afraid of running for a DC seat. However, this amendment of ours is really intended to seek outlets for the many local veterans of politics.

According to the Government's current proposal, only some 400 incumbent DC members may run as candidates. This number, when compared with the 3 million-odd electors, is, in our opinion, not enough. In the case of many people engaged in politics, their ultimate goal is to make their way to the Legislative Council. In the past we noticed that some Members ran for seats in the Legislative Council only after gaining experience from district work and mastering public sentiment by joining the DCs first. This can be of considerable help to their work in the Legislative Council in the days to come. However, there are also cases in which the individuals vacated their DC seats on becoming the Legislative Council Members to make way for others in order that they could concentrate on Legislative Council duties.

The five seats to be set up by the Government are being regarded by people outside as super DC seats. The original intention of the authorities is to let local political talent have more opportunities to make their way into the Legislative Council. Yet there is a restriction on the eligibility to run. Only incumbent DC members may run. As a result, many talented persons already out of the scene are being excluded. But they did serve Hong Kong for considerable time in the past, and acquired much political experience.

We think that in electing DC members, the people all expect those elected to focus their attention on serving their local communities, and mainly to look after the needs of their local communities. However, it is very likely that those now running for the seats of the District Council (second) FC are doing that out of a wish to run for the Legislative Council seats. The two goals are, in fact, incongruent.

If electors expect a candidate to serve their local community whilst the candidate's ultimate goal is to join the Legislative Council and gain an admission ticket to run for a Legislative Council seat, then there will be a mismatch between expectation and goal.

From the standpoint of an elector, the yardstick for choosing Legislative Council Members is different from that for choosing DC members. These days,

electors show a considerably high calibre when casting their votes. They know what kind of Members they are choosing, and also exercise different yardsticks when doing so. The yardstick adopted by the people when choosing a DC member is that they expect the member to shape up their local community by improving relevant facilities and services. As for the yardstick adopted by them in choosing a Legislative Council Member, they want the Member to put forward ideas on general social policies for them, bargain with the Government for more benefits, monitor government operations and introduce territory-wide policies. They are utterly two different matters.

So, I believe many electors do not expect to elect a Legislative Council Member out of a DC election. On the contrary, they expect the DC member to devote his efforts to serving their local community on winning the seat. If the goal of the person elected is to enter the Legislative Council, it is likely for that person to have to deal with strenuous Legislative Council duties in the future. With a constituency covering all parts of the territory, he is likely to be busier than the incumbent Legislative Council Members. They seek to choose a person prepared to serve the local community, but end up with a person required to work for the whole of Hong Kong, inclusive of Hong Kong Island, Kowloon and the New Territories. On account of the huge workload, there will be comparatively less time for the Member to pay attention to his own local community. This will be unfair to this group of electors. As for the candidate himself, his original intention is to join the Legislative Council. However, he is being forced to run for a DC seat. It is necessary for him to run for an extra election in order to get an admission ticket. This is also unfair to the candidate. So, there are altogether two counts of unfairness.

I can recall that at the Bills Committee, Secretary LAM stated that a former DC member probably could have won the election with just 1 000-odd votes, and that if he was defeated in a DB/DC election, it meant the people no longer supported him and that it was, therefore, not necessary to let former DB/DC members have the chance to run for the election of the District Council (second) FC. I, however, would like to let the Secretary know that one's defeat in a small DC district is not tantamount to a lack of support in a larger constituency. There are actual examples. There are now in this Chamber at least several Members — not fewer than four, if my memory is correct — ultimately won Legislative Council seats after defeats in DC elections. This reflects the point that the people's choice is in fact very clear and sensible. They make clear

differentiation between DC members and Legislative Council Members. At present the Government is asking those running for the Legislative Council seats to run for the DC seats first. I consider such a request rather unreasonable.

Hence, on behalf of the Federation of Trade Unions, I put forward this amendment and call upon all Members to give support so that more of those with the aspiration to join the Legislative Council as well as those political veterans with proven talent and capability can be candidates in the forthcoming election of the new DC FC and serve the people of Hong Kong.

Thank you, Chairman.

**MR PAUL TSE** (in Cantonese): It is hoped that you are not taking me as someone other than Paul TSE. I am still Paul TSE. This is the first time I use a small prop in the Legislative Council. It has something to do with my amendments, it being made up of this dress, one already worn for two days, and this little mask. It is hoped that Members will not find this too "hilarious" over a cup of tea or something. It is because I have a point to make. As stated by Mr WONG Yuk-man just now, the proclamation of certain political ideas is sometimes constructive, not totally destructive. This in fact can make us reflect on some ideas.

Chairman, my amendments concern clause 15 and clause 46. They are very simple. One of the points seeks to add several requirements for the eligibility to run, namely, a height not exceeding 5 ft 4 in, an academic qualification not higher than matriculation level, and a monthly salary at the time of election not more than \$10,000. These appear to be some very ridiculous requirements. However, I would like to discuss them together with the restriction laid down in clause 46, namely, capping the election funding of each list of candidates in the super District Council (DC) election at \$6 million.

Chairman, let me make it clear at the very beginning. This amendment of mine is, unlike what is being generally alleged, definitely not targeting the Civic Party. It is also not making fun of the Democratic Party for having among them quite a few members matching the height restriction of 5 ft 4 in set for candidates. I utterly do not mean that. Basically, this amendment of mine is, unlike what Mr Ronny TONG said, also not discriminating. It is utterly not like that. Even I

myself will vote against it, as in the case of the adjournment debate. What I mainly want to say is whether we should reflect upon the need to set a ceiling of \$6 million for the election funding, as well as its merits and demerits.

Chairman, in many cases, having money seems to "have every advantage and no drawback" at election. To bring in more rules to remove the ceiling on the election funding can engender at least the following four merits. Firstly, it makes it possible for candidates with enough resources to get help from certain professionals in areas like presentation and other aspects. Mr Alan LEONG is an example. I am not trying to belittle him. Regarding training and ways of expression, candidates may get professional training for things like pronunciation and performance. Secondly, matters like how we are to introduce our candidates or our political platforms can be done more professionally. Thirdly, it allows candidates to spend more money on various ways to inform electors of matters concerning the electoral system either through guidance or with education. Fourthly, more important is that it can provide more resources to make improvement to an issue which we have been criticizing continuously since yesterday, namely, the question of local political parties being so politically backward or failing to keep abreast of the times, and to speed up the progress in this respect.

Chairman, now I come to my next point. As a matter of fact, having money or a sound financial base is just one of the many assets of any candidate. Chairman, every candidate among us has his own appearance. Although Members cannot see my face this evening, I think it will be rather interesting if all candidates run in election in this way. We have our own build, for example, Ms Audrey EU is noted for being tall, slim, and well-dressed. We also have many other strong points, including academic qualifications. For example, sitting behind me is a PhD. Present here are several PhDs, including Dr Margaret NG. We have our professions. For example, we have here barristers, doctors, and so on. This may have some advantages. Often it is noticed that their publicity leaflets invariably put emphasis on those professional qualifications. We have our own incomes. Of course, we will not tell how much they are but everybody can make an estimate and guess correctly. We have our own family background. There are people claiming to be young masters of some wealthy families. This may have some advantages or some negative impacts, depending on what you want to do. In some cases, there is the advantage of kinship. In certain constituencies, a candidate might put emphasis on being a member of an

ethnic minority group. It is the same case with religion. Many people may emphasize that they are followers of certain religion or that they have the support of certain religious groups. Even the factor of race may count. I often hear candidates putting emphasis on being natives of Fujian, Chiuzhou, and so on. This is also an advantage. Even health, age and secondary school attendance can be of help too. For instance, being a so-called Wah Yan old boy may also be an advantage. With regard to universities, The Chinese University and the University of Hong Kong too have their networks of ties. Even former civil servants or members of the disciplined forces can also claim to tap the sources of votes in that respect. All these in fact mean that every candidate has something positive and something negative. In short, these are all assets. Included is their financial strength, Chairman. Why is there no restriction in other areas, such as restriction on height, academic qualification or income, but only restriction on money? It is not a crime to have money. To have money is just one of the assets.

Of course, for me to say so is likely to be very much to my disadvantage. It is because I am not one who can afford to drink expensive red wine, or enjoy the fame of being a so-called young master from a wealthy family. Nor do I have the strong support of resources from a political party. However, this is a concept. If we really want to propel the development of democracy and party politics in Hong Kong, we have got to reflect in this respect. Otherwise, we will only remain at a very primitive stage, or still follow the British system indifferently, one which is relatively conservative and closer to socialism. There is really no need to limit the election funding. There are a lot of demerits too. If we are to play this game, I think we ought to adopt the approach of the United States, a society which is relatively capitalistic, open and progressive, namely, no ceiling. Japan sets no ceiling. Taiwan sets no ceiling. Why should we be so conservative? Especially that Britain has very small constituencies, each of which consists of merely tens of thousand people, and the single-vote-single-seat system is adopted. The rules of the game are different. We are now talking about a territory-wide election. This constituency has 3.2 million electors. With regard to this constituency, I have reiterated that we should no longer adhere to the wasteful and environmentally-unfriendly approach of sending out flyers or mailing leaflets to all electors. Instead, we should let them run by using the electronic media for publicity. However, the upper limit should not be too strict if it is to be done through the electronic media. It is otherwise not workable. It is out of a wish to put into effect this concept that I put forward my amendment,



which, I know, is bound to be defeated. I myself already said I too would not support this amendment. I, however, would like to make you all reflect on this, just as in the case of having an adjournment debate. It is hoped that Members will express their views casually so that we may discuss in a relaxed manner. What matters most is for us to reflect on the matter.

Chairman, there is another merit. If we set no ceiling on the election funding, all the sectors or parties, bound by the need to acquire as many resources as possible for the race, will try, to a certain extent, not to go too bias, and confine themselves to the centrist line so as to win some so-called "water sources", namely, financial donations or subsidies. This can focus our centripetal force on a centrist line. In this way, the course of the election will be rendered more stable. Then there will be fewer out-of-the-way or extremist conducts, acts likely to upset the entire society.

Of course, there is the comment that if election puts too much stress on money, there will be excesses. I do understand this problem. However, at issue is not the question whether there is much or little. It is a question on how to manage. It is a management issue. So long as there is proper management, we can use election laws to curb or eliminate bribery or dirty cash at elections. Basically, this is not a problem.

Chairman, some colleagues might make the comment that this, giving those with money absolute dominance, is unfair. Just as stated by me earlier on, to have money is just one of the assets. Besides, having money actually does not mean sure victory. Take the case of some so-called "wealthy parties" in Hong Kong. We all know that they, though with unlimited money, are in no position to be sure of getting seats. On the contrary, some of those who probably started as social workers and who are not well endowed financially are able to get elected through hard efforts.

This is not just the experience of Hong Kong, Chairman. It is so even in the United States. I remember that when NIXON started to run for the presidency as a lawyer, he declared to have assets only amounting to US\$40,000. His party supported his candidature only because they considered him to be a capable person. Ultimately, he won. Look further back. In the 1960s, there was ROCKEFELLER whom I am sure you all know. We all know what a family that is. He ran for election, running against McGOVERN. Immensely rich, ROCKEFELLER recruited a 1 000-strong team to help him in his election

campaign. Not having too much money, McGOVERN had to turn to those close to him, about 100 of his fervent supporters, for assistance in running the campaign. In the end, the winner was the one assisted by fervent supporters, not the rich guy with the help of a 1 000-strong team. The reason is that election is not just about money. However, having money may have the merits mentioned by me earlier on. This can also promote our political development, or our election culture and political party culture.

Conversely, I wonder what phenomena will appear if we still retain some restrictions in form. Chairman, we see that some political parties have jumped the gun, continuously advertising even before the election starts. Their advertisements are displayed even at tunnel entrances. Obviously it is done for the sake of election. However, as he has yet to officially run for election, he is able to incessantly make such electioneering efforts. This is just taking advantage of loopholes in the law. Surely, if the line is drawn in this way, it is going to be like this. We cannot challenge him as there are indeed loopholes in the law. When there is law, there are legal loopholes. This is actually a stealthy approach, and cannot be done openly.

In the second place, there will be acts which are even stealthier. That is to keep telling others that one is giving consideration, or considering seriously, or making careful consideration to see whether or not to run. The decision to run was in fact made as early as two years ago. It too has to be done covertly as the line brooks no trespassing. This is utterly unhealthy.

Some others use political parties as a so-called "shield", with the parties taking all the donations and running all promotion work. In this way, the excuse that it has nothing to do with the candidate can stand as it can be argued that it is just for promoting the party. In reality, we all know that the parties have already drawn up plans on assigning different candidates to run in different districts. This is known to all. However, there is such a so-called "shield". When the time comes, the candidate still need not declare those funding. This means that having a line is like not having a line. There is law, yet people are being encouraged to break the law by jumping the gun. This is utterly unhealthy. We had better examine this issue properly, openly and in a healthy manner to see if there should be such a line for Hong Kong, and start to chart a new course.

Let me also borrow the words of Dr Margaret NG. When making comments on the question whether or not the Chief Executive should be allowed

to have party affiliation, she said something which I find quite agreeable. According to her, the restriction is, fundamentally, utterly meaningless, and is not pegged to reality whatsoever. I want to say ditto here, quoting the same words as they are equally applicable to the topic now under discussion.

Chairman, I look hilarious but it is hoped that Members do not mind this. I just want to start a course of debate. Some colleagues remark that I seem to be suffering from mental disorder since I have often made suggestions without voting for them later on. My wish is for you all to understand that it is absolutely not like that. Sometimes, in order to stir up discussion, it is better to have some fun by cracking a few jokes in a humorous way to draw everybody's attention than to argue over certain ideas or concepts till everybody is blue in the face or busy exchanging words with each other. This is precisely the intention of my amendment. It is also hoped that on this matter I am not the only one incessantly pleading to save the trees. Do not waste so much money. Do not force us to mail 3.2 million leaflets. It is hoped that the current restriction can be lifted soon, and that the electronic media be open soon. Even being the "human network" does not matter. I think it is cheaper to use television or radio. Anything will do. We just should not remain at the very primitive stage of the past, one only relying on sending out leaflets.

Election in fact depends primarily on the candidates. Money can certainly be of help. This, however, is just one of the advantages, not an absolute advantage. Candidates seen on the electronic media are more real and appear in the flesh in 3D, speaking directly to the people. Leaflets are often fake. Even photographs can be old ones, though the requirement is for photographs of the last six months. We all know what is going on. Since we are trying to beef up the culture of our political election and the development of our political parties, we should reflect more on these issues. Thank you, Chairman.

**MR ALBERT CHAN** (in Cantonese): Chairman, I speak to briefly point out that the current qualifications for candidates to run in the functional constituencies lack logic and common yardsticks. The proposal from the Government with regard to candidates to run in the super DC FC is very narrow. When compared with the other 30 functional constituencies, this DC FC is totally different in requirements.

It is very simple. Here are examples. Mr Paul TSE represents the tourism functional constituency. However, he, as we all know, is a lawyer, and mainly works as a lawyer. Surely, he also serves certain licensed travel agencies as a director or the nominal person-in-charge. Similarly, Ms Miriam LAU represents the so-called transport functional constituency. She has been known to me for years. Previously, she worked in law firms, and later became a Member of the Regional Council before being appointed to the Legislative Council. I have known her for years. However, prior to her nomination as a candidate for the seat of the Transport FC, never before did it occur to me that she had closer ties with the transport sector. Surely, being a Member through direct election or not, one definitely should have a lot of connections with the transport sector.

I have been working in the district for over two decades. Before becoming a Legislative Council Member, I was an adviser to a number of minibus organizations. It was because I helped many minibus drivers solve problems, such as the triad problem at the terminals. Hence, in the case of quite a few other FCs, the requirements on eligibility to run are very lax. With the Government setting such narrow requirements for the super DC FC, I wonder if Legislative Council Members of the "loyalist" camp will consider supporting other amendments to relax the relevant requirements.

Basically, in drawing up these systems and candidature requirements, the Government still adhered to an old principle, that is, the transfer of benefits which I have repeatedly criticized here. Benefits are weighed in favour of particular sectors. When it occurs to the Government that the use of certain criteria can, in certain constituencies, render the manipulation of support easier for the Government or the pro-government camp, give opportunity to candidates of the Government's choice for them to participate and deny the pan-democrats the chance to gain control or win, the Government will definitely draw up the relevant requirements on the basis of those criteria.

So, let us look back to the candidature requirements set for this super DC FC. They have been set so narrow. Chairman, being well versed in election matters, you must know that this super constituency, one covering the whole of Hong Kong, is bound to be more to the advantage of well-known candidates or candidates participating in territory-wide affairs. So, the Federation of Trade Unions (FTU), having no other person to race in this significant constituency, has

to get CHAN Yuen-han "to stage a comeback". The reason is FTU knows clearly that if it sends some ..... the FTU Members are all gone now. Whenever I mention a particular person, that person will be gone. When I mentioned Secretary LAM, gone was Secretary LAM. All those from the Democratic Party were also gone. When I mentioned FTU, the FTU Members were gone. It seems that my might is starting to show, Chairman. It is terrific. Luckily, you stay here when I mention you, Chairman, thank you. You, Mr Paul TSE, remain in your seat here when I mention you. I thank you too.

So, given the close connection between the system and the persons concerned, there is bound to be partiality in the requirements for the seats or candidates set by the Government. The Government has set it so narrow that only DC members may run. Obviously, this is to target the democrats. As we all know, there have been talks about the so-called "six to four rule". If the constituency is a big one, mobilization of manpower and popularity of the candidates will matter relatively. If two candidates are equal in popularity, then their mobilization of manpower may have an impact on the result of the election. However, if one of the candidates is far more popular than his rival, then the mobilization of manpower may not necessarily override the candidate's territory-wide popularity or influence in winning votes.

Let us review our political scene and situation of today — surely, we condemn the democrats, especially those from the Democratic Party who have betrayed our electors — some of those now being considered likely to represent the pan-democrats to run in this super constituency absolutely have a bigger chance to win than those from the pro-China or "loyalist" camp. Then how to prevent these people who are well known all over Hong Kong and highly influential from taking part in this election? Why are there some functional constituencies, such as the ones to which Mr Paul TSE and Ms Miriam LAU belong, where one may run so long as one serves as a director of some companies within the sector? Why does the Government set such narrow candidature requirements for this super DC FC, which is so big? Obviously, the target is being set against the pan-democratic camp so as to relatively reduce their chance of nomination.

Based on the requirements currently set for Members, the candidature requirements of this DC FC are the harshest among the 31 FCs. There must be some reasons for the Government to make such harsh candidature requirements.

Even the amendment to be moved by Mr WONG Kwok-kin from FTU to relax the eligibility to extend it to former District Council members is just a tailor-made measure intended to pave the path for FTU to nominate its candidates. Surely, this move may perhaps pave the path for other democratic political parties, too. That, however, is not the Government's proposal.

I do not know if this amendment, one seeking to relax the eligibility, stands any chance of passing. However, just like what we did earlier on, the two Members from the People's Power are going to abstain from voting on any motion on FCs. Of course, I have to again give Dr Margaret NG my thanks and apology. Her proposal can definitely contribute to the relaxation and betterment of the system. However, we still are going to abstain from voting on the motion, one concerning FCs. Of course, at the time of the Third Reading, we will again vote against the amendments to the Legislative Council Ordinance.

Regarding the requirements proposed by Mr Paul TSE, when I saw those requirements, I thought he was talking about DENG Xiaoping. Is it right? It is really a close match. The reason is that I think in Hong Kong, especially so in this Chamber, it is impossible to find the salary matching his requirement. I think the pay of DENG Xiaoping at the time he held the key state post was probably lower than what he proposed. So, after I went through all his requirements, I believe DENG Xiaoping matched his yardstick best.

Thank you, Chairman.

**MR RONNY TONG** (in Cantonese): Chairman, I have been a Legislative Council Member for six years. Never before have I been so desirous of speaking on a certain Member's amendment.

After going through Mr TSE's amendment, I still harboured some doubt. However, I now must express to him my heart-felt admiration. The views that he presented are profound and deeply perceptive.

Chairman, why did I say that? In the first place, he in fact has the foresight that these three days will be devoted to a debate featuring blind fighting

with no distinction between friends and foes. As a result, by Friday afternoon every Member is totally exhausted and have all shouted themselves hoarse, too. Thanks to his amendment, we have a chance to relax and may dismiss resentment with a laugh so as to reach an amiable and happy ending.

In the second place, I understand that he has made, in his mind, to-the-point and in-depth observation about the entire political system. This is most important even though he is very modest and made no mention of this in his speech earlier on. He obviously sees that our SAR Government is packed with officials with a strong suicidal tendency. Even those at the top level such as the Chief Executive, the Chief Secretary for Administration and the Financial Secretary all have a self-destroying tendency. In the Council are political parties/groupings splitting up among themselves and Members going after bodily strength more than mental power. Hence, he considers a complete overhaul of our electoral system necessary in order to get elites of the elites to participate in politics. This is, in my opinion, absolutely right.

I have carefully considered the three requirements that he proposed. The three requirements indeed constitute the main indicators for men of success in Hong Kong.

Let us talk about height first. As we all know, he who is short has particularly well-developed mental power. A tall person, such as myself — Chairman, in reality I am not that tall — has well-developed limbs but utterly no brains, and, consequently, is of no use in the Legislative Council. When we look at those great men in history, such as Napoleon and DENG Xiaoping, they all matched the standard of height that he proposed. So, the requirement is definitely a condition targeting mental power.

Secondly, he said the academic qualification should not be higher than Form Five level. This is indeed a discerning requirement. Why? Let us look around Hong Kong for the most successful entrepreneurs, the billionaires, and major developers. Which one of them has very high academic qualification? In fact, not many. Those who are the most successful often have the lowest academic qualifications. I think this is also a very profound requirement.

Thirdly, he proposed that the monthly earning should not exceed \$10,000. This is indeed a very accurate observation. Chairman, the salary of the richest

men in Hong Kong is less than \$10,000 each. However, should there be an audit on their assets, there might be "scores shooting through the roof". So, in my opinion, the three requirements that he put forward well fit the descriptions of elites of the elites in Hong Kong.

I very much admire Mr Paul TSE for proposing the amendment today. In fact I have long decided to vote in his favour, Chairman. It is a pity that he just said he himself would not vote for it either. If I vote to say yes, it might appear to be some disrespect to him. *(Laughter)* But I must salute his spirit. After much consideration, I think the only option for me is to leave the meeting and not taking part in the voting so as to express my respect to Mr Paul TSE.

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

**MR IP KWOK-HIM** (in Cantonese): Chairman, regarding Mr Paul TSE's amendment, I, unlike Mr Ronny TONG, am not able to make comments which are so profound as to match up all our local great men — I should say successful people, not great men — with all the three requirements. When I first learned of such an amendment, I also found it a little hilarious, and wondered why such restrictions were put forward. I was still having some doubts as to whether or not the Chairman would turn it down on the grounds of discrimination. It was later learned that approval was given. I was surprised. I felt fully enlightened after listening to the explication of Mr Ronny TONG, which made me immediately understand the rationale. I am filled with admiration indeed! Indeed!

Let me go back to Dr Margaret NG's amendment, one proposing to extend the current right to nominate and the right to run in the DC FC to people other than elected DC members. The Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) is against such an amendment. We are not going to give it our support. The main reason is that, in our opinion, the emphasis of the constitutional reform package should be placed on our new DC FC. The five newly-created Legislative Council seats are to be returned in the form of a DC FC by the people of the whole territory.



As we all know, during the process, the five seats were initially assigned to the existing District Council (first) FC. However, it has turned out that there are the District Council (first) and District Council (second) FCs now. Hence, how is it given the DC functions? Exactly what are DC functions? Here is the main one. They are the 412 District Council members returned by elections held in the districts all over Hong Kong. This is their function, one enabling us to serve the people. It is beyond doubt that only in this way can they exhibit this characteristic of theirs. The Government made the proposal setting the requirement that only elected DC members may be eligible to nominate and run. We think the requirement is appropriate. Hence, we are going to support the Government's proposal.

Just now I heard Dr Margaret NG make particular mention of the question about the right to nominate, the right to vote and the right to stand for election. At present, every elected DC member fully enjoys the right to nominate, the right to stand for election and the right to vote in the District Council (first) FC. They have all these rights. The crux, however, may lie in the just-mentioned District Council (second) FC. That is to say, in the District Council (second) FC, our elected DC members have the right to nominate and to stand for election, but not to vote. At the same time, electors of the District Council (second) FC have the right to vote, but not to nominate and to stand for election. Some Members call that unfair and wonder why there is such a division.

With regard to this point, I will try to see it from another angle. Here is in fact the question that has to be solved. Is it that our elected DC members are being deprived of a right because they are not allowed to vote in the District Council (second) FC? In my opinion, this argument is not acceptable because we adopt the "one-person-two-votes" system. As each person has two votes, he has one vote in the large constituency, that is, geographical direct election, and another vote in the District Council (first) FC. That is to say, he has the second vote. Then he certainly cannot have the third vote. So, he will not be deprived of his second vote.

Another point is about our voters. The some 3.2 million electors have neither the right to nominate nor the right to stand for election. How about that? Just now I heard Mr WONG Kwok-kin making mention of the issue about admission tickets. In fact these three-odd million people do have the right to vote, but not the right to nominate nor the right to stand for election at that juncture. It is because there is an earlier opportunity for them to enjoy the right

to nominate and the right to stand for election. The point is that the right to vote, the right to stand for election and the right to nominate all come out by stages. So, he who wishes to run in the District Council (second) FC has the right to stand for election as well as the right to vote. It is because they may participate in the DC elections scheduled for November this year. They can have the right to nominate and the right to stand for election in this race on getting admission tickets at DC elections.

So, in my opinion, in the present constitutional reform package, DC as a FC has, of course, become complicated. This is to be in line with the focal point of the entire constitutional reform package, with the second vote given to more Hong Kong people. The fact that the people of Hong Kong can now get the second vote is due to this change. Hence, regarding this current arrangement, we, the DAB, do give support.

Regarding the proposal of Mr WONG Kwok-kin to extend to former elected DC members the right to nominate and the right to stand for election, we see that here he is extending in the direction of elected DC members' standpoint. However, we think that under the current system, the more suitable and appropriate approach is to limit that to incumbent elected DC members. It is also because members of the public have had ample discussions about this throughout the process of discussion. So, we also cannot support Mr WONG Kwok-kin's amendment.

Thank you, Chairman.

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

(Mr Paul TSE raised his hand in indication)

**CHAIRMAN** (in Cantonese): Mr TSE, I will call upon you to speak after the Secretary and other Members have spoken.

**MR PAUL TSE** (in Cantonese): Chairman, I in fact wish to speak on other amendments, not on mine.

**CHAIRMAN** (in Cantonese): You may speak now.

**MR PAUL TSE** (in Cantonese): Chairman, I resume my original appearance. Besides all the jokes and angry words, I would like to express my gratitude to Mr Ronny TONG, too. With regard to these gestures, sometimes it is necessary to manoeuvre cheerfully with a sense bordering full appreciation and no appreciation. It is a match played between masters, with an understanding no need for words. Thanks.

**CHAIRMAN** (in Cantonese): I think you look better now than what you looked before.

**MR PAUL TSE** (in Cantonese): Ha! Ha! Thank you, Chairman. However, I still will have to put it on when I run for the next term, but it will not be the phantom mask. Ha! Ha!

Chairman, mainly I would like to add a few points to the observation made by Dr Margaret NG just now for Members' reference. In reality, it is not true that among the present functional constituencies the three rights are not divided. For instance, it is just so in the case of the Tourism FC. I think every FC involving organization votes or corporate votes has the same situation.

Take me as an example. I ran for election in 2008. Given the fact that I had some connections with the tourist industry, such as my position as the person-in-charge of a travel agency, my service as legal adviser to a number of tourism business chambers, and years of service rendered to both the tourist industry and the Travel Industry Council, the Registration and Electoral Office acknowledged the presence of real connections and let me have the eligibility to run. However, I enjoyed neither the right to nominate nor the right to vote. I was unable to give the vote to myself. So, there is a precedent.

So far as this super DC FC election is concerned, relatively speaking, it is in fact a brand new idea, which, of course, cannot meet people's wishes in all respects like other elections. For example, the district election, one based on

personal capacity, features the three-in-one rights. There are also elections of some FCs where registration of electors is based on personal capacity. They certainly enjoy the right to stand for election, the right to vote and the right to nominate, all three in one. However, in other FCs, that is, those involving organization votes or corporate votes mentioned by me earlier on, such a situation occurs.

We may even refer to foreign elections. For example, the most important one is the presidential election in the United States. The three rights are not necessarily three in one. So long as you are not a United States citizen by birth, you enjoy neither the right to be elected nor the right to stand for election even though you have the right to vote and the right to nominate. Also, you can only nominate, but cannot directly nominate presidential candidates. You may only nominate individuals to be delegates to certain so-called electoral colleges, that is, candidates in the grand electoral college. Therefore, there are all sorts of combination, and they are not necessarily three in one. So, if the authorities, in designing this idea, have taken into consideration the point that such a move is a suitable approach, it is, in my opinion, not justified to repudiate this idea on such a ground.

Next, regarding Mr WONG Kwok-kin's amendment, I am of the view that if the scope is extended to those "once" elected, that is, in past history, members of other FCs are likely to have a lot of questions upon the creation of this precedent. The definition of "once" can be very broad, which makes it very hard to regulate candidates' eligibility. It is necessary to have careful consideration for such an amendment before the creation of this precedent. For this reason, unless there is already careful consideration or consultation, it is, in my opinion, not advisable to rashly set the precedent of using the word "once" in defining the eligibility to have the right to stand for election, the right to nominate or the right to vote. Thank you, Chairman.

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

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, this is the issue of arbitrariness of the FCs as pointed out by Mr Paul TSE. What does it mean by arbitrariness? It does not mean that there is no exception but the exception follows no principle. Do you understand? In this world, of course, there are

exceptions and this situation has no historical origin. I understand Mr TSE's view. He thinks that some matters have a history of development, so they have their origins and they come about because improvements are constantly made on them by some people.

Regarding this election, which I will call the election of the "super DC members", Mr TSE put it very correctly. Since the Legislative Council election in 1985, which was, of course, designed to pave the way for the handing over of sovereignty and a constitutional reform carried out by the British-Hong Kong Government, a "three-legged stool" were created, so that elections were introduced to the legislature of Hong Kong in order to increase its elected-by-the-people element and enable it to have the right to speak in the process of negotiation. This situation continued until 1997. That was a political platform. Certainly, in doing so, the British-Hong Kong Government did not have to assume responsibility because it was about to withdraw, right? Therefore, in the 15 years from the establishment of the District Councils to 1997, be it to return power to the people or to create a "three-legged stool", it was only a kind of deployment before the Hong Kong-British Government withdrew from Hong Kong. The British were gone and now, we are following the Basic Law rather than the Letters Patent and the Royal Instructions. However, of course, as I said before, we actually have the new Royal Instructions, which are these two pages of photocopied document here. Once they are stuck, here, everything is cancelled. It is up to the Standing Committee of the National People's Congress to say whatever it wants. In fact, this is a strait-jacket that is equivalent to the practice of the British Government back then.

I also understand that whenever something is dichotomized, it can be said that it has an arbitrary or non-arbitrary nature, or relatively arbitrary or non-arbitrary nature. We do not want to argue about this point. In fact, Chairman, I cannot help but repeat my words, that is .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, do you know that we are debating on the rights to stand for election, to nominate and to vote in the District Council (second) FC election?

**MR LEUNG KWOK-HUNG** (in Cantonese): Yes, I understand. He talked about three in one and I am also talking about this point, that is, the dismantling of three in one. In the United States, voters, elections ..... the proportion of the population to voters varies from state to state. This is deliberate because when the United States was going independent, the states joined in one by one. If the proportions are even, those states that joined later would surely be at a disadvantage, right? Because it already had a majority. Therefore, those states that joined later insisted that their electoral votes be increased even though their population was smaller in order to strike a balance. This we all understand. I have understood this a long time ago. The problem is that at this time in Hong Kong, at the time of celebration around the 20th of June last year, that is, when the Democratic Party finally ..... I call this an immoral union but they claimed that it was their contribution after their communication with the Central Government. We have already ..... I know what he wants to say as I am very smart.

**CHAIRMAN** (in Cantonese): Please do not repeat your points again.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, there are causes for everything. He made an analysis and I am doing the same. He talked about the United States, buddy, but he did not finish what he wanted to say. Fine, I will drop it. Anyway, I will not stray too far. I respect you. At first, I wanted to talk about the President's relationship with the Congress and that with the Senators. However, never mind, about these ABCs, since Dr Margaret NG is begging me, of course, I am scared.

The problem is, when we are already about to design a package to move towards the so-called universal suffrage for the Chief Executive election in 2017 or the Legislative Council election in 2020, in fact, we already have a timetable, then a roadmap, too. Actually, there should be some indication on whether it should be three in one or splitting them up. The arbitrariness should be minimized, that is, since there is an unavoidable evil, whenever the arbitrariness of FCs is involved, it should be minimized as far as possible. This is my starting point.

Mr Paul TSE likes to quote extensively to corroborate his observations. He said that other people were also like this. If other people's mothers are

women, there is no reason why your mother is not a woman. This is correct but the point is: What era are we living in? What are our goals? After we have got the timetable, where does the roadmap point to? Therefore, undoubtedly, the separation of rights created by history, that is, the right to nominate, the right to stand for election and even the right to vote .....

**CHAIRMAN** (in Cantonese): Are you talking about a new separation of rights?

**MR LEUNG KWOK-HUNG** (in Cantonese): Yes. In fact, the three-in-one principle should be reinforced because the unification of rights conforms better to the principle of universal and equal suffrage, right? The two concepts of universality and equality are very clear. The three-in-one right conforms better to the principle of universality and also the principle of equality. Therefore, I think there is no reason for the Government to split up these rights by introducing something new, even claiming that it is an innovative system and a system leading to universal suffrage.

I have also said many times that in the process of historical development, there are the laws of combined development and uneven development. We all know that uneven development is quantum in nature. When we want to buy a new car, we would not buy an unfinished car and buy it step by step, eventually buying a Ferrari. Mr TSE will surely not do that unless he is an antique car collector. This law of uneven development will give rise to the law of combined development. That is to say, the unevenness between our historical development and that of other countries or, due to the unevenness with our own historical development, we have to combine it today. This is a very clear historical law.

This law of combined development has to be applied here. As regards how to use it, some people use their brains while some use their powers. The Central Committee of the Communist Party of China or the Chinese Communist Party uses powers, saying, "We have understood all your circumstances and carried out a lot of transactions in power distribution. We have given you a framework." In fact, it is condescending for me to discuss these matters with you now. I surely will not talk about these when I give talks in secondary schools. What I have been talking about now is just the basics. However, I have no alternative here as you are here, I have to talk about these.

What we are now discussing with Mr TSE or other Members is how this can be done within a time limit, and I stress a time limit because we only have two more Legislative Council elections to go, that is, after the one in 2016, it will be the one in 2020. In other words, all our systems, be them new or old ones, should move in the direction of three rights in one and the view of three in one. If you say that it will be very difficult in dealing with the old one, be it because of the existing vested interests or the familiar rules of the game, do not do it then.

I am someone who pay great attention to what people are saying. He said that it was very difficult to deal with the old forces. So, do not destroy the old and establish the new. However, now, after creating something new, he is telling me that the new has to follow the old. This is what I mean in often saying: "The dead controlling the living", as if possessed by a ghost. Therefore, if this is a Chamber for reasoning, why do I have to throw things at Donald TSANG? If you let me speak for 15 minutes and let him speak for 15 minutes, he will surely be doomed. If we talk about this separately, to be fair, there is absolutely no reason for new things to take the old track. That is to say, three rights in one is a newly-introduced experiment to let this system demonstrate how to transit to the future so-called universal suffrage, that is, it is an example of universal suffrage for functional constituencies. What is the reason for the Government not to show leadership by telling Members and members of the public in Hong Kong the merits of having three rights in one, rather than being tied down by the past practice?

Chairman, what I said is really sensible, reasonable and legal. Under the legal framework, this can be done and I have already talked about the reasons. In fact, I am not targeting at Mr TSE. Each time I came in, I found that you had finished your speech. I am sorry about that. This is because I went to hold an Internet radio programme just now in which this kind of things were discussed. All right, to be both sensible and reasonable is our hope, no matter if Members are sincere or otherwise.

Secretary LAM, you often criticize us, calling us "the opposition, the opposition, the opposition. Now you have been given a timetable. It is intended for you to discuss a roadmap according to this timetable." Dr Margaret NG really has no alternative today as she has committed to this piggery. If discussing a roadmap with you, you always prevaricate. Chairman, I know that



you are very impatient. I know that your eyes are not feeling well and I should not waste your time. However, frankly speaking, I feel that I would not be doing myself justice if I do not say something on hearing those things. My mother often says, "Son, if you do not say certain things now, you may not have a chance to say it in the future." Now, she is very sick and has gone to the Mainland. She cannot talk with me now. She has no chance to say certain things to me. Therefore, I have to speak up today. Mr TSE, I have great respect for you but you have to understand that your standpoints need to have a premise and logic, with a major premise, minor premises and inferences. 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, in respect of these three amendments, I would like to recap several key points made by the Secretary for Justice when the SAR Government announced its adoption of the "one-person-two-votes" proposal on 21 June last year.

The Secretary for Justice made these remarks on that day (I quote): "The Chief Executive has just outlined the new District Council functional constituency election method. I would like to emphasize what the Government considers to be some salient features:

- (1) First, candidates must themselves be elected District Council members.
- (2) Second, candidates must be nominated by elected District Council members.
- (3) Third, candidates will be elected, through one person, one vote, by the registered electors in Hong Kong less those electors who currently have the right to vote in other functional constituencies. (In other words, the electorate base will be about 3.2 million, being the

total 3.43 million registered electors less 230 000 electors for the other functional constituencies.) (End of quote)

Chairman, I have recapped with Members these three points because I wish to talk about the design and considerations made then. According to the first two considerations, a candidate must be an elected District Council (DC) member and the nominators of such candidates must also be elected DC members. The stipulation of these two requirements is meant to ensure that the five newly-created seats continue to carry the traits of the DC functional constituency (FC), such that DC members can become candidates and nominators, and also the five representatives thus elected can still represent the DCs.

This electorate of 3.2 million voters, which is different from the general electorate of 3.43 million registered electors, is also founded on this point. We can distinguish these five newly-created seats from the geographical directly-elected seats, a view raised by the former Secretary for Justice, Miss Elsie LEUNG, as cited by Dr Margaret NG repeatedly over the past few days. However, Chairman, all of these are our fundamental considerations from which we cannot deviate. We must comply with the Decision of the Standing Committee of the National People's Congress, according to which there will be 35 FC seats and 35 geographical directly-elected seats, totalling 70 seats altogether in 2012. For this reason, we must maintain the tie between these five new FC seats and the DC FC.

We have also considered the respective proposals and amendments put forward by the three Members today. The amendments proposed by Dr Margaret NG to clauses 15, 17 and 18 actually seek to enable all people eligible to stand in the DC elections to be nominated as candidates in the election of the District Council (second) FC. "People eligible" in fact means the 3.43 million registered electors. The college of people to which she referred is actually a bit larger than the electorate base of 3.2 million people under our current design.

However, I wish to again talk about the question of whether the "three rights" should be separated or combined, which we have discussed at great lengths earlier. Chairman, the concept of our design for the five new seats is indeed very clear. The candidates and nominators must be elected DC members, and the democratic base for this is categorical. These elected DC members *per se* are elected by the 3.43 million registered electors, so they have a full democratic mandate to represent their respective communities to take part in the

election of the five seats. As regards the voters, the 3.2 million registered electors represent a very democratic base. Because of this, I understand why the Civic Party, from their concept analysis, would form the view that these "three rights" should be combined in the election by universal suffrage in 2020. As regards the question of how best we can achieve universal suffrage in the future, we will still seek to do so in accordance with the principle of universality and equality as well as the Basic Law. But I must reiterate today that the candidacy and polling of these five newly-created DC FC seats will be very democratic. For this reason, I suggest Members not to support Dr Margaret NG's amendment.

Chairman, as regards Mr WONG Kwok-kin's amendment, I fully understand that they have given detailed consideration to this amendment, and I appreciate their careful consideration of the argument I raised with them on the last occasion. It is about the propriety of allowing some former DC members, who were defeated in any of the past elections, to run for the "super five" seats without going through any test of election. Certainly, a temporary setback means nothing in a war, so according to Mr WONG Kwok-kin, a candidate might have been defeated in an election of a constituency with 10 000-odd electors, it does not necessarily follow that he will lose in this election with 3.2 million electors. I can accept this possibility in terms of logic. But given that he may win a large-scale war, why does he not fight a small battle and win a DC seat in a constituency of 17 000 electors and then participate in a race of a larger scale?

Chairman, as regards the amendment proposed by Mr Paul TSE, I appreciate very much his unique analysis and presentation of opinions. However, since I am making this response on behalf of the Government, I can only do so by the book, unlike Mr Ronny TONG who spoke with such eloquence.

If the eligibility for candidacy should carry such requirements as height and income, I am afraid it would violate Article 26 of the Basic Law which reads, "Permanent residents of the Hong Kong Special Administrative Region shall have the right to vote and the right to stand for election in accordance with law.". About Mr TSE's point that there should be no ceiling on the election funding, and the ceiling of \$6 million might as well be lifted. Because of two considerations, I cannot subscribe to his view.

For one thing, the SAR Government has imposed a ceiling on the election funding in Hong Kong over the years in the hope that political parties/groupings

or candidates with different background can have relatively sufficient means to run in elections, such that resourceful candidates or political parties/groupings will not become dominant. And for another, neither can we agree that the electronic media should be opened up at this stage for candidates to place electioneering advertisements on the radio and television during the election campaign. As regards the propriety of the election funding ceiling of \$6 million, Members may have noted the point raised by some political parties/groupings in the previous debate, that the \$6 million ceiling is too high and it should be divided among the five constituencies. Therefore, if Mr Paul TSE insists that there should be no ceiling, I believe he stands a very small chance of securing the necessary support in this Council.

Chairman, I so submit.

**MR WONG KWOK-KIN** (in Cantonese): Chairman, I have heard the Secretary's arguments, which were also previously mentioned in the Committee but alternately, the discrepancy between electors' expectations and candidates' goals remains unresolved: On the one hand, electors wish to elect someone who can serve the local community; on the other hand, candidates aspire to work for the major policies of the whole territory.

Of course, we insist on our view and also hope that we can win Members' support. Regarding the amendment proposed by Dr Margaret NG just now, she has taken 100 steps while we have taken 50. We wish to work out a median. This is a matter of degree.

Mr Paul TSE proposed an amendment. Although he does not support his own amendment, in spirit, I really want to support him. Why? I think election should be fair. Now, everyone says that it is fair to have the same amount of fund but there is great unfairness in this. Why? Because popularity is a capital that requires a lot time and money for its accumulation. There is inequality between a popular candidate from a large political party and a lesser-known candidate from a small political party because the latter has no ability to narrow the difference.

A popular person does not need to spend money on promoting his name or image. However, a lesser-known person may have to spend a lot of resources on

doing that. Of course, if I talk about my views openly here, many people may brand us with names, asking us if the Hong Kong Federation of Trade Unions (FTU), which is a grassroots organization, "has a lot of money so you advocate raising the election funding," saying that "the FTU is very wealthy and influential". In fact, I just said my thought. I think election should be fair and the fairness should be genuine rather than in form only. Unfortunately, Mr Paul TSE is living a playful lifestyle. Even he himself does not support himself. Therefore, we find it impossible to support him, sorry. Thank you, Chairman.

**MR PAUL TSE** (in Cantonese): Chairman, I am grateful to Honourable colleagues for speaking even on this apparently very funny motion and they may even have some expectations for. I hope they will not be let down.

Chairman, I am well aware that at this stage, this Council will not accept some of my ideas and views, which may be several steps ahead. This is like some years ago, when the mere suggestion of advertising for legal services would arouse opposition from many people. I remember that even Mr Alan LEONG of this Council, when he saw some of our advertisements on minibuses, told the media that this was totally unacceptable and a departure from established practices. As time goes by, I find the advertisements put up by Mr Alan LEONG on minibuses about his Member's offices not too bad.

Chairman, I mainly want to talk about several points. Of course, I understand that the Government also has its own line to take, so to speak. However, regrettably, the Secretary did not give a perhaps more appropriate or even direct response to my explication. Of course, at this time, I am not asking the Secretary to make up answers of his own or express his personal views. However, I hope that this "seed idea" can induce the authorities, when they have a chance on going back or may be on an appropriate occasion, to think about this question for the election of the next term: Actually, are these ceilings really so fair, as what Mr WONG Kwok-kin said, or are they creating unfairness when trying to achieve fairness? This is perhaps a philosophical question.

Moreover, regarding opening up the electronic media, this is actually an issue that I have been intending to raise. I want to save some trees. And, we do not wish to see the situation of "only allowing officials to commit arson but not allowing the common people to even light any lamps". We understand that

the Government has used a lot of resources to promote its political stances and beliefs through the electronic media. However, Members cannot do so in this regard, which is actually not reasonable, not keeping up with the times and not environmentally-friendly.

Chairman, regarding the three-in-one issue, please allow me to first talk about the argument of two in one. Some Honourable colleagues said that you did not propose or support. In fact, they are two separate matters. Often, this is just like in some of our adjournment debates or the incident of the Express Rail Link earlier on. I remember that Ms Audrey EU criticized me, asking me if I had psychosis.

In fact, proposing a motion and voting can be considered to be two separate parts. A motion can challenge Members' thinking and provide a subject for Members' discussion. Voting is another matter. In particular, I remember that after we have passed the primary Bill, we would express what is in our mind, just like drawing up a wish list or a gift list during Christmas, saying that although the Bill has been passed and the tables have turned against oneself, it is hoped that the Secretary would let everyone talk about his wish about the Express Rail Link. I remember that at that time I also had a wish. I hoped that the Secretary could consider all the proposals put forward by Members and really think about how to do better. However, since another resolution at that time was about whether or not those motions should be discussed and debated immediately and at that time, each proposed motion was negated, Members did not want to talk about them further or cause further delays. Therefore, I hoped the Secretary could consider the foregoing 14 items mentioned by Members. Apart from that, I did not wish to speak further or start a new topic. Therefore, I voted against it, and this is absolutely not being psychotic. If Members can, but sometimes they may not be able to, and perhaps because I have been talking for too long, so they may not be able to follow. I hope I will have the chance to explain further.

The same applies this time. This is just a beginning. However, I think that today, even if I can bulldoze the proposal through and sell it very hard, I only have one vote, or I may be able to get just one more vote from Mr WONG Kwok-kin, or several votes from the Federation of Trade Unions. However, I understand that if I cannot get the support from the authorities, this move will only turn out to be much ado about nothing. I absolutely do not want to do it

with some malicious intent but just with fun, hoping to give Members a chance to give it a thought.

Chairman, I wish to add a word about the issue of "once" proposed by Mr WONG Kwok-kin. What I wish to add is that once a precedent of "once" is set, many things will have to be followed up. At present, some electoral requirements are related to being a permanent resident of Hong Kong. In that case, can someone who was once a permanent resident of Hong Kong be eligible to stand for election? This is the first question. For some other functional constituencies, for example, those for lawyers, barristers, doctors, and so on, can someone who was once a doctor but is no longer one now, or someone who was once a lawyer but is disqualified from practice now be eligible to stand for election? This is the second question. Also, in a direct election, can an elector or candidate who was once a resident of Kowloon West but no longer now stand for election in Kowloon West? All these are many of the problems created by the concept of "once". Therefore, this concept of "once" is like a can of worms from the very beginning. Once the can is opened, a lot of things have to be followed up. So, this can of the concept of "once" cannot be opened casually. Thank you, Chairman.

**DR MARGARET NG** (in Cantonese): Chairman, I wish to read out a passage. On 7 January 2009, the Civic Party published a booklet about democratic election by universal suffrage and the International Covenant on Civil and Political Rights, the first paragraph of which talks about the Covenant and I quote: "According to Article 25, every citizen shall have the right and the opportunity, without any of the distinctions and without unreasonable restrictions, to take part in the conduct of public affairs, directly or through freely chosen representatives. Article 25 also provides that every citizen shall have the right to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage." (End of quote).

Chairman, our amendment today seeks to combine the fragmented right to vote, the right to nominate and the right to stand for election together. To put this in English, I would say that this is a reunification amendment.

Chairman, Mr IP Kwok-him's actually reminded me when he was speaking that there are still some contradictory and unreasonable issues. He mentioned

the District Council (first) FC. Originally, our major criticism of the District Council (first) FC is that it is an election of a very confined circle among only several hundred people and even it can return a Legislative Council Member, so it is really too confined and the value of the votes is really too high compared with other seats. However, now there are seats in the District Council (second) FC. This is even stranger because if you are a DC member, you have to cast a vote in the District Council (first) FC election and this is very important to you because the value of this vote is very high. However, it is now even higher. It is only necessary to get votes from 412 persons to win the District Council (first) FC seat. If you want to vote in the District Council (first) FC election, according to the definition of the District Council (second) FC, you surely cannot be an elector in the District Council (second) FC, or you may put the seat in the District Council (first) FC at risk. With the two seats together, if one wants to vote in one of these FCs, one cannot register as an elector in the District Council (second) FC. Even though you are a DC member, you cannot vote. As a result, a greater contradiction will arise.

In fact, it is only right for Mr IP Kwok-him to support my amendment. However, I do not understand why although Mr IP Kwok-him is a Member representing the DC FC, he is not attaching any importance to the interests of the electors in the DC FC. This is really disappointing.

Just now, Mr Paul TSE said that there was now a precedent for splitting and he cited organization votes as an example but there should not be any organization votes in FCs in the first place. Chairman, even though there are still organization votes now, the candidates are persons, not organizations. Strictly speaking, organizations certainly cannot stand for election. However, an organization is made up by persons, so one can nominate someone related to the sector and that someone can also stand for election. However, the most important thing is that we have to know clearly that the right of a person and that of an organization are completely different.

Chairman, in our earlier discussions, some Members already queried who were in control at the back of some organizations. Maybe the persons concerned are not permanent residents. Why can they vote through the organizations? We will pay no heed to this but people and organizations are different. What is the right to vote of a person? Mr LEUNG Kwok-hung talked about the electoral mode in the United States for me out of good intentions but we do not need to



talk about such a faraway place as in the United States. In fact, we only have to look at Article 26 of the Basic Law: "Permanent residents of the Hong Kong Special Administrative Region shall have the right to vote and the right to stand for election in accordance with law." Therefore, under the Basic Law, the right to vote and the right to stand for election are two sides of the same coin and cannot be separated.

The Secretary mentioned the District Council (second) FC proposed by the Secretary for Justice, Mr WONG Yan-lung. The nominators and candidates must be DC members and not ordinary electors registered in other FCs, that is, electors of direct elections in geographical constituencies. The words of Secretary WONG Yan-lung are not the law but the Basic Law is. Under Article 39 of the Basic Law, international human rights treaties are recognized as part of the law. Sometimes, the Directors of Bureaux under the accountability system may be too political. In fact, we have also mentioned this matter in the Council in the past. Anyway, I do not want to go about criticizing the Secretary for Justice in an indirect way. I can only say that although what he said is a policy, we still have to refer to the Basic Law and the law in deciding whether he is right or wrong.

Chairman, the Secretary also mentioned that the newly-created DC FC needed to have a connection with its sector and that connection depended on whether or not someone was a DC member. Chairman, in the Bill proposed by the authorities now, the Secretary added an extra stroke on this point. Clause 37 of the Bill specifies the qualification for a candidate to be nominated. It just requires him to satisfy the Returning Officer for the FC that he has a substantial connection with that FC. That is all. Secretary, your understanding of the definition of "substantial connection" is that he must be a DC member, but this is already beyond the scope.

Secretary, since you have violated the spirit and the stipulations of Article 26 of the Basic Law, what actually is the compelling reason for your doing so? There is no compelling reason at all. And you are still telling people that you are bringing the right to vote to more than 2 million people. Originally, it was "one person, one vote" and they have no votes in the FCs, but my present amendment is intended to give them votes.

Secretary, not only have you failed to give them anything or the genuine right to vote, you have also created a very bad precedent. Therefore, regarding today's amendments, I cannot smile at all. Thank you.

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendments 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.

**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 amendments.

Dr Raymond HO, Mrs Sophie LEUNG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Ms LI

Fung-ying, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Prof Patrick LAU, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Kwok-him, Mr Paul TSE and Dr Samson TAM voted against the amendments.

Mr IP Wai-ming and Dr PAN Pey-chyou abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Ms Emily LAU, Ms Audrey EU, Mr KAM Nai-wai, Ms Cyd HO, Mr Alan LEONG, Mr LEUNG Kwok-hung and Miss Tanya CHAN voted for the amendments.

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan, Dr Priscilla LEUNG and Mrs Regina IP voted against the amendments.

Mr WONG Kwok-hing and Mr WONG Kwok-kin abstained.

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present, four were in favour of the amendments, 17 against them and two abstained; while among the Members returned by geographical constituencies through direct elections, 22 were present, 11 were in favour of the amendments, eight against them and two abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendments were negated.

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That clauses 17 and 18 stand part of the Bill.

**CHAIRMAN** (in Cantonese): Will Members please proceed to vote. 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): Mr WONG Kwok-kin, you may now move your amendment.

**MR WONG KWOK-KIN** (in Cantonese): Chairman, I move the amendment to clause 15.

*Proposed amendment*

**Clause 15 (see Annex II)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Kwok-kin 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)

Mr James TO rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr James TO 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, Dr Joseph LEE, Mr IP Wai-ming and Dr PAN Pey-chyou voted for the amendment.

Dr Raymond HO, Mrs Sophie LEUNG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Prof Patrick LAU, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Kwok-him, Mr Paul TSE and Dr Samson TAM voted against the amendment.

Geographical Constituencies:

Mr Albert HO, Mr Fred LI, Mr James TO, Ms Emily LAU, Ms Audrey EU, Mr WONG Kwok-hing, Mr KAM Nai-wai, Mr WONG Kwok-kin, Mr Alan LEONG and Miss Tanya CHAN voted for the amendment.

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan, Dr Priscilla LEUNG 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, 22 were present, six were in favour of the amendment and 16 against it; while among the Members returned by geographical constituencies through direct elections, 19 were present, 10 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): Mr Paul TSE, you may now move your amendments.

**MR PAUL TSE** (in Cantonese): Chairman, I move my amendments.

*Proposed amendments*

**Clause 15 (see Annex II)**

**Clause 46 (see Annex II)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendments moved by Mr Paul TSE 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)

Mr Abraham SHEK rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Abraham SHEK 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:

Mr CHEUNG Man-kwong, Mrs Sophie LEUNG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Ms LI Fung-ying, Dr Joseph LEE, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted against the amendments.

Dr Raymond HO, Mr Abraham SHEK and Prof Patrick LAU abstained.

Dr Margaret NG did not cast any vote.

Geographical Constituencies:

Mr Albert HO, Mr Fred LI, Mr James TO, Mr CHAN Kam-lam, Mr LAU Kong-wah, Ms Emily LAU, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Mr KAM Nai-wai, Ms Starry LEE, Mr CHAN Hak-kan, Mr WONG Kwok-kin and Mrs Regina IP voted against the amendments.

Dr Priscilla LEUNG abstained.

THE CHAIRMAN Mr Jasper TSANG, Ms Audrey EU, Mr Alan LEONG and Miss Tanya CHAN did not cast any vote.

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present, 18 were against the amendments and three abstained; while among the Members returned by geographical constituencies through direct elections, 19 were present, 14 were against the amendments and one abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendments were negatived.

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That clauses 15 and 46 stand part of the Bill.

**CHAIRMAN** (in Cantonese): 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): Clause 43.

**CHAIRMAN** (in Cantonese): Ms Emily LAU and Dr Margaret NG have given notice separately to move the amendments to clause 43.

**CHAIRMAN** (in Cantonese): Members may now jointly debate the original provision and the amendments proposed by Ms Emily LAU and Dr Margaret NG respectively. I now call upon Ms Emily LAU to speak and move her amendment.



**MS EMILY LAU** (in Cantonese): Chairman, I move the amendment to clause 43.

My amendment seeks to enable greater participation by amending the nomination threshold for the new District Council (DC) functional constituency (FC) because the present nomination threshold proposed by the authorities in the Bill is 15 DC members. Last year, the result of our negotiation was that the authorities indicated at that time the opinion they had heard was that the number should be between 10 and 20. At that time, I found this acceptable, so do not put words into my mouth. I said that if the number was greater than the maximum number, I would resign. However, Chairman, no matter what one has said, if someone wants to put words into your mouth, he would do it regardless. However, I will state it once again here that the number of 10 to 20 matches the result of our discussion at that time.

Chairman, of course, someone may say, "20 can also do." Yes, but the authorities said that a middle-of-the-road approach, that is, 15 should be taken. So, we said, "Since a number between 10 and 20 is also acceptable, could you show your goodwill by setting it at 10, so that more people or organizations, that is, those organizations or people who do not have the support of many DC members, can also stand for election?" This is because after all, this election and the DC FC both constitute a very significant change to our electoral system and several millions of members of the public will be able to vote.

We in the Democratic Party will surely tell members of the public that in the elections in September next year, they will have two votes because the Legislative Council has passed a Resolution to give two votes to every member of the public in June last year. We in the Democratic Party know that this is not universal suffrage. It is only a small step forward. We hope that members of the public will choose to accept this vote, Chairman, because the Bill we have just passed allows the public to make a choice. The Government assumes that they have the right and has included them in the Bill to let them have the right to vote. However, the public can reply that they do not want to vote and give up the right. At that time, we will see how many electors will give up their right. Chairman, however, more importantly, we have to see how many electors will vote.

We really hope that members of the public ..... in fact, in the past months, many people told us that they were happy to see a small step taken. Therefore, I hope that a lot of people will vote, but we hope all the more that a lot of people will stand for election. However, first of all, they have to pass this threshold. Therefore, we in the Democratic Party propose that since the authorities can accept a number between 10 and 20, we may as well further reduce it by five, so that more people can collect 10 nominations to stand for election.

We really hope that this transitional arrangement can go as soon as possible, so that all Legislative Council Members can be returned by "one person, one vote". Just as I said in my speech two days ago, I really hope that you and I can all see the introduction of election by universal and equal suffrage in Hong Kong during our lifetime.

With these remarks, I propose the amendment.

*Proposed amendment*

**Clause 43 (see Annex II)**

**CHAIRMAN** (in Cantonese): I now call upon Dr Margaret NG to speak but no amendment is to be moved at this stage.

**DR MARGARET NG** (in Cantonese): Chairman, I have already spelt out my grounds in the debate on the previous amendment. This amendment is about the right to nominate and the previous one is about the right to stand for election. Chairman, since I have started to speak, I will say a few words on Ms Emily LAU's amendment in passing.

Chairman, I have two votes. I have one vote in the direct election of a geographical constituency and also one in the Legal Functional Constituency (FC). Each time I stood for election, I would tell my electors, "Electors in the Legal FC have two votes but we should not have them. Why do our FC and other FCs have the second vote but all other Hong Kong people do not? Therefore, we must treat this vote as a trustee vote and we have to fight for an opportunity for all Hong Kong people. When the opportunity comes, we will use this vote to abolish FCs." This is a promise I made to electors in every

election. Each time I was elected, I knew that my electors had entrusted me with this responsibility.

Chairman, I have two votes. However, this so-called District Council (second) FC vote is not a genuine vote. They do not have two complete votes. They do not have two votes as only one is genuine and the other is not.

Thank you, Chairman.

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

**MR IP KWOK-HIM** (in Cantonese): Chairman, one of the controversies during the scrutiny of the Bill was that of the nomination threshold which we are now discussing. In fact, the nomination threshold was discussed not only in the course of scrutiny because we had actually conducted an even more detailed and adequate discussion and expression of views when deciding whether or not to pass the constitutional reform package.

Now, the Government eventually proposed that the threshold be set at 15 elected District Council members and this is also the provision proposed in the present Bill. In fact, on the nomination threshold, the Democratic Alliance for the Betterment and Progress of Hong Kong has all along indicated that we will accept a low threshold because this can enable more people and more elected members to stand in this election. Therefore, the threshold we proposed at that time was 10 to 20 persons. In the course of discussion, we also kept negotiating with various parties, and government officials also asked us what our views were on the threshold of 10 to 20 persons. At that time, we clearly indicated that it was acceptable. Therefore, when the Bill was tabled to the Legislative Council, the Government chose to set the threshold at 15 persons. In these circumstances, this also meets our demand of 10 to 20 persons. Therefore, we think there is no reason for us to change what we agreed on because some people have proposed an amendment, that is, because Ms Emily LAU requests that the threshold be lowered from 15 to 10 on the grounds of showing goodwill. Therefore, we will not support Ms Emily LAU's proposal of changing the threshold to 10 persons.

In fact, we can look at this matter this way. Originally, we can also accept the threshold of 10 persons but we also find 15 acceptable. In these circumstances, if the number is within the scope that we have agreed to accept, we cannot possibly, nor do we have any reason, to change again simply because another proposal has come up after we have given our agreement.

As I said earlier, regarding this suggestion of showing goodwill, we have a feeling or a view, that is, DC elections are actually about winning recognition for ourselves by serving the kaifongs and the public in the districts. As a matter of fact, we are people who have really been doing actual work in the districts and serving the kaifongs. This is long-term and sustained effort and time reveals a person's heart. This cannot be achieved overnight. Therefore, we think that if we simply say that we want to show goodwill and simply base our consideration on this point to support the proposal to lower the threshold, this can certainly enable some political parties to become eligible more easily, but to some political parties that never have placed district work in their heart, I believe even if the threshold is lowered to five persons, it would still be a high threshold to them. Therefore, we will not support the amendment. Thank you, Chairman.

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

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, the world has its history and whether someone has done a certain kind of thing or not can be seen again in video footages. I do not have the footages on hand but tomorrow, I may bring a sound track back.

Dr Margaret NG said that one vote is genuine and the other is not. The vote cast is certainly genuine, but is it of equal value and universal? This is where the problem lies. There has been a lot of clamour for "one person, two votes", but are these two votes of equal value? Right? This is where the problem lies. Universal suffrage — there is talk of election by universal and equal suffrage every day, as though it were the cultural revolution. When you see the portrait of Chairman MAO, you have to salute in the morning and report in the evening. You have also been through this, have you not? This is just fake, right? People often said "Long live Chairman MAO", but is there anyone

who would not die? Even when he met visitors, he also said that it was impossible for him not to die, saying that LIN Biao was toying to please him. This is the same with regard to universal suffrage. In the fighting for election by universal and equal suffrage, "one person, two votes" appears to be equal and universal in form but is this being equal? This is where the key lies.

Secretary LAM, later on, when you give a response, you can comment according to your conscience on whether or not "one person, two votes" already lives up to the requirements for election by universal and equal suffrage. If it does, universal suffrage will be introduced ahead of time, will it not? Universal suffrage will be introduced ahead of time, otherwise, something must surely be wrong, right? Therefore, this "one-person-two-votes" theory cannot pass the test.

At present, Hong Kong people are already being troubled by, as Dr Margaret NG said, the fact that some people have two votes while others have only one. They are already troubled by this. How can anyone be so hard-hearted as to further reduce their already meagre right? Will you please be merciful and for the sake of the next generation, do not cite so many implausible arguments any more. Have you not often said that you have the next generation in your mind? Right? Can you just say that "stool" (糞) is "rice" (米) just by keeping the radical "米" at the top of the word? Right? This is very simple. Granted that I accept this so-called "one-person-two-votes" theory. In that case, these some 3 million people are at your beck and call and under your sway. In one stroke, you drive them into a ranch, the whole herd of some 3 million animals, just like livestock. They are driven there and whipped, and you coax us by saying, "Hey, in this ranch, we are all equal.". It is also said in the *Animal Farm* that we are all equal but some are more equal than others, right?

People like us, who have been liberated, long day and night for the dawn of universal suffrage. Now, finally, we can see the dawn of "one person, two votes", so let us inspect the delivery. More than 3 million people are driven into a farm called "one person, two votes", braying, crowded together, constrained. When these some 3 million animals want to choose their own leader, they are constrained. Now, what we are discussing is whether 15, 20 or 10 more outstanding animals can become the leaders, having the opportunity to serve as minor leaders who will tell the other animals, "Let me represent you to recommend some people for you to choose from, all right?" Is this being equal?

To have some 3 million people vote on five ..... is it equal to let some 3 million animals choose five animals? It is not like this in other places, buddy. Like the Agriculture and Fisheries FC ..... well, when it comes to the Agriculture and Fisheries FC; when it comes to livestock, the representative of the functional constituency is not present. Maybe he has headed north to take care of his electors and have meetings. Well, some 100 people ..... some 100 legal persons — and some of them are not even human beings but legal persons, they vote for a representative, a Member. There are over 3 million people, voting in a setting that is so crowded as to make one feel sick, and do you still call this equal? Do you still call this universal? Do you still call this moving towards universality and equality? Not really? If you can set up this farm, in the future, you will also set up another, buddy, and this is what I am most worried about. There is no problem if 15, 20 or 10 animals will choose but after setting up this animal farm, there will then be animal farm A, animal farm B, animal farm C and even letters A to Z may not be enough because there are only 26 letters, so other kinds of alphabet may have to be used. I have to ask Dr Margaret NG what other alphabets there are for almost 100 functional constituencies.

Members, concerning this point, if someone tells me that they have already done their utmost to find a roadmap for Hong Kong people, I really find it very difficult to agree. Ms Emily LAU also said that the results were secured through negotiations but only God knows how the negotiations were conducted. What principle and grounds were based on, and what public sentiment was taken note of? No, nothing, buddy. The Democratic Party, as the pioneer of the pro-democracy camp of Hong Kong, was the first political party established and it was also — I wonder if it or the DAB is bigger and I cannot remember ..... the Democratic Party is bigger? In its status as the biggest party, it was also the bellwether of the pan-democratic camp in the past. Honourable Members, when they were wondering at the crossroads and had to choose which way to go, beaten by the wind and the rain, they did not find a way for themselves, rather, they found it for ..... in 1994, when Mr LAU Kong-wah also almost nearly joined this political party, they ..... it was not for themselves but for people who had faith in and supported them for over a decade that they had to find a way .....

Secretary LAM, today, it is perhaps the first time that I praise you, because anyhow, you have come here to carry out a consultation and anyhow, you have come to this Council to assume responsibility. What can the Democratic Party do? In the past .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, I have to remind you again that you should speak on the provision and the amendment being dealt with.

**MR LEUNG KWOK-HUNG** (in Cantonese): I understand. I am someone who knows with whom I should pursue responsibility. I only want to analyze more precisely how the sin of "one vote being genuine, one vote being counterfeit" described by Dr Margaret NG comes about. There is always someone who has to assume responsibility, so it would do only for me to be fair to the targets of my criticisms. No matter if I think he is in the right or in the wrong, I must have grounds. The law is non-human but those laying down the law are human beings. If I do not spell out the whole rationale clearly, it would not be fair or meticulous, and I am a very fair-minded person.

My discourse has been disrupted by you and you have shown your great prowess. In fact, ever since the "*de facto* referendum by the five geographical constituencies" and up to the "苟合 (immoral union)" on 25 June — I have to make it clear first that I am not talking about "狗 (dog)" but "苟" with the radical for plants on top, as in "苟且", meaning causal — in this immoral union, unlike what the Secretary did, I was not consulted. In fact, I have voted for the Democratic Party before. I really have. In order to avoid casting a vote for myself, I voted for other people. I have forgotten whom I voted for but on two occasions, I voted for the Democratic Party.

This is very simple. Today, if we say again, jarringly, "We have secured two votes for the public", herein lies the key of the problem. I can put it this way, "This is really to start off chaotically and giving up in the end.". At the beginning, there was no method, only lines of obstacles when the negotiations with you started, with a lack of attention to details, right? Chairman, I have no alternative but to talk about the relevant information .....

**CHAIRMAN** (in Cantonese): Can you go back to matters relevant to the provision and the amendment?

**MR LEUNG KWOK-HUNG** (in Cantonese): Well, the provision? It is easy. I have tackled Mrs FAN before. To cut the seats from 15 to 10. I will continue to talk about it next. I have tackled Mrs FAN before.

Chairman, on this amendment proposing that the number of nominators for the District Council (second) FC be reduced from 15 to 10, I have to talk about the origin. Look, it is now relevant. This is very simple. In this process, I was not consulted and this is why I have to use the opportunity today to talk about the issue clearly. I definitely do not think that the present so-called "one person, two votes" can logically make the transition to the universal suffrage that we need in the future.

I can only see a certain phenomenon or logic, that is, the "one person, two votes" today will become "one person, 30 votes" or "one person, 31 votes". This matches with what proposed by the comrades-in-arms and the mouthpiece of the Communist Party. Just like today, in the functional constituencies, we can argue about who can become a person with privileges or a nominator, then treat electors like animals by driving them into different zoos to cast votes. This is my view.

Today, it is debated here how many people should have the right to nominate. This is precisely the most evident manifestation of this kind of political immoral union. The process of the immoral union has to be fast, so fast that ..... could you not even settle the point on 10 or 20? Yesterday, I bought a catty of vegetable in Kai Yip Estate. The hawker asked for \$15 and I haggled for \$12. He said, "Let us make a deal at \$13, 'Long Hair', on account of your lobbying successfully for \$6,000 for me." The deal was then done. Does one have to haggle for such a long time? At present, there is no logic whatsoever, be it 10 or 20 seats. This proves that the amendment itself, except being a response to those people accused her back then and as the song *Internationale* says, "this is the final struggle", what other meaning is there?

Chairman, let me say again that I will surely raise my hand and speak. I will raise my hand to speak many times and each time, I will talk about different arguments. In making condemnations loudly now, what I hope is that Members will understand that today, I can see that Ms Emily LAU, in discussing the nomination threshold, has never shown any remorse. She said that in the future, this would be done through voting, and of course, this is so. Are you ..... there



is no more time, so I will stop here and raise my hand to speak again in the second round.

**MS MIRIAM LAU** (in Cantonese): Chairman, I will be to the point and brief. In the course of consultation on constitutional reform, the Liberal Party's position on the nomination threshold was very clear. We thought that either 10 nominations or 15 nominations were appropriate. We also indicated that we were more inclined to supporting 10 nominations because if just 10 nominations were needed, it could actually broaden the scope of nominees to enable some small political parties/groupings and even some independent people to have the opportunity to secure enough nominations. Of course, this is almost the most basic requirement that can let more people stand for election.

However, we also pointed out that being a small political party, the Liberal Party would not take the initiative to demand that the nominations be set at 10. The reason was to avoid the suspicion that other people or Honourable colleagues may have the wrong idea that the Liberal Party wished to have a set of election rules tailor-made for it. However, we also indicated at the same time that we would also give our support to the proposal to lower the nomination threshold from 15 to 10 should any Honourable colleague put such a proposal up.

Just as our stance on the other amendments today, the Liberal Party will adhere to the stance we adopted in the past, so we will support Ms Emily LAU's amendment. Thank you, Chairman.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I am often wrongly accused by other people but I do not do this to other people. Whether or not one has been wrongly accused is a stark fact, is it not? Today, this meeting still has 20 minutes to go and tomorrow, there will still be a lot of time to raise one's hand and speak. Mr Albert CHAN has not yet spoken, has he?

I can see that Mr Albert HO, the chairman of the Democratic Party, is sitting here and he is the initiator. He tried to assume sole responsibility by saying that this matter was initiated by him, did he not? Today, I am happy to see the three Members from the Democratic Party sit here and this is also the first time that Members from the Democratic Party are present when I am speaking,

Chairman. At noon on 30 October 2010, Mr Albert HO from the Democratic Party spoke at the City Forum — I will not stray from the scope of this amendment today — Mr Albert HO said, "I cannot see why the Government proposed 15 persons simply after conducting consultation. This is totally unnecessary. I propose that various political parties, including the Liberal Party" — no wonder it would give its support — "the ADPL or the DAB should all join hands to propose that the number be changed to 10 and propose an amendment together to make the Government accept this relatively reasonable threshold, which is neither too high nor too low." These were the words spoken by Mr Albert HO, the chairman of the Democratic Party, at the City Forum at noon on 30 October 2010. It is in no way to accuse him wrongly. I have only read out what he said and there are both audio and video recordings, right?

Next, in the afternoon on 30 October 2010, when chairman HO was being interviewed by the Internet television station, INT news channel, he said, "I have just said that even though the number is set at 15, I believe the two camps can still settle this and people with calibre can be supported as far as possible to run for election." This was spoken by chairman HO, so can you say if I have accused him wrongly? Members can make their own judgment. In the morning, he said that 15 nominations were too high and they had to be reduced to 10, but in the afternoon, he talked about the two camps. Now he is going to have a big gain. Now, all together there is only one camp, so he can go and co-ordinate with the DAB to make up the five seats, since in any event, we will not take part in the elections but it is more troublesome for the ADPL. Even if they have enough District Council members, it is of no use, is it? At present, they only have 10-odd people and when the elections are held in 2011, they may only have 14 or 13 people left ..... sorry, but to put it more vulgarly, they can only vote for nothing, right?

I also said today that in Sham Shui Po, "Ah Kei" is "the king of Sham Shui Po" and he said that if he lost to me, he would retire. This really scares me so much that I dare not snipe at him any more because he has really done a lot of work in Sham Shui Po. Would the old folks in Nam Shan Estate in Sham Shui Po chop me to death? I remember that in 2008, when I was holding an election forum in Sham Shui Po, several matrons came up and said to me, "'Yuk-man', do not come here. If you do, you will snatch the votes away from 'Ah Kei'." They really said so to me, so you can see how greatly liked he is by the residents of

Sham Shui Po. Therefore, when he said he wanted to retire, of course, I would not let him. However, some people suggest that if the matter has come to this, since he has worked for more than two decades, I am asked to see him off.

On that matter concerning Ms Emily LAU, I will leave it until tomorrow for Mr Albert CHAN to comment on it. Has she been accused wrongly? I only want to say — luckily, I like to make discourses, so I have to talk about myself again. All these have records that were set down in black and white — in mid-December last year, the Democratic Party convened a general meeting to vote down to take part in the "*de facto* referendum of the five geographical constituencies" and stressed their position of insisting on the implementation of genuine universal suffrage and the abolition of functional constituencies, saying that not taking part in the "*de facto* referendum of the five geographical constituencies" was only a difference in strategy but not in principle. Ms Emily LAU, the vice-chairman of the Democratic Party, further claimed that the question of the *de facto* referendum did not include the implementation of dual universal suffrage in 2012, which she supported, so it was also difficult for her to support it in her personal capacity.

As regards "the slapping of tables and chairs" by Ms Emily LAU here, on 29 December last year — no, that was probably the year before — when I proposed the "resignation *en masse* of Members returned from five geographical constituencies as a referendum", it concerned 2012 but it was only 2009 then, she asked, "Is the NPCSC all mighty?" This is still fresh in our memory, is it not? However, it does not matter because we have learnt the latest lesson from Prof LAU Siu-kai, have we not? Luckily, we have the television. He said he had not talked about the "breaking point" but today the Cable TV played the footage, did it not? He was shown to have talked about the "breaking point", and this is crystal clear.

When he speaks, he is sometimes inarticulate. I also thought that reporters might have misheard him. Prof LAU is quite learned, but the problem is that he is not fluent in speech, so it is not advisable for him to come out and give a speech. Do Members understand? He slurs when he speaks, as though having an olive pit in his mouth, does he not? Therefore, I was also worried that reporters might have misunderstood him and if they made a mistake and put words in his mouth, that would be bad. This is just like Ms Emily LAU telling people not to accuse her wrongly, so if we accuse him wrongly, that would be bad. I was worried that LAU Siu-kai may have been accused wrongly.

However, subsequently, the video footage was played back and that also happened on the same day. Why is it so interesting? Nowadays, people may suffer from senile dementia and they only remember past happenings but not recent ones. In particular, they can even forget about things that happened on the same day, right? This is how Mr Albert HO is like, saying different things in the morning and in the afternoon. Besides, he was also like this when commenting on the election funding ceiling of \$6 million. "Brother Yan", this is going to be a big gain for you, is this not? They are only things that happened on the same day and the incident of LAU Siu-kai also happened on the same day.

"Sister Hing" was facing the television just now and so was I. It happened on the same day and I implore you to turn to me. It happened on the same day. The comments made in the morning and in the afternoon could be different, could they not? Even doing so is possible. LAU Siu-kai has already given us a lesson, so I will not blame certain people in the Council for saying certain things several months ago, then forget about them now, telling us not to accuse her wrongly, right? For this reason, I cannot reproach LAU Siu-kai, a Doctor of Philosophy and a great professor, for having an interview with reporters and after the video camera recording everything, now saying that he did not talk about the "breaking point". Buddies, this really kills me .....

**CHAIRMAN** (in Cantonese): Mr WONG, you have spoken too much on this point of argument.

**MR WONG YUK-MAN** (in Cantonese): Really? Thank you, Chairman, for reminding me. I still have a lot of time for my speech, right?

As it comes to this point, sometimes I also find it very funny. Chairman, I wonder if you have come across a poem written by LU You called *A Letter of Condolence to ZHANG Cai-shu when passing by Guang'an*. This is a famous poem: "In the spring breeze, I rode a horse alone past an isolated city. Wanting to trace the footsteps of past sages, I shed tears even before I started doing so. This heart of the XU State once knew strong emotions and his striking brows are still very awe-inspiring. I would rather not survey who won the land of the Middle Kingdom and who was righteous and evil will be judged by posterity. I

lament that it is really not easy to know people truly and those who were admired or were infamous in history were all literatus." I am not talking about you.

I will further quote a commentator Mr XU Fuguan, for whom I hold a very high regard. I have attended his lectures before. In April 1954, he published an article in a Taiwanese journal called Commentaries on Democracy. Honourable Members, the article was written in 1954, that is, 57 years ago. He said in one of the passages in the article "The Historical Character of Chinese Intellectuals and their Destiny in History" that looking from a general perspective at the character and state of intellectuals in some two decades, that is, before and after the Communist Party took the Mainland, three of them that can be cited in brief as examples are: "First, an opportunism centred on personal minor advantages and disadvantages. Under this opportunism, they definitely will not make commitments for the slightest bit of public right or wrong. What was wrong in the past can become what is right at present, and what they hate to their guts personally can immediately become what they commend in public and what they criticized verbally can immediately become what they sing praise of in their writings.". This is one characteristic.

Another is, "One is that they appear to be very compliant and try hard to second guess. Whenever someone says something, they would always agree and whenever someone tells them to do something, they always promise to, but in reality, they do not do a single thing and they do not make a single achievement. Their pleasant looks and readiness in front of you definitely do not mean they will do their utmost at your back."

The third type is, "One of these characteristics is that they seize opportunities to practise blackmailing and make gains. The masses at such a time can rise up to blackmail the leaders that they ordinarily serve and the political parties not in power can rise up to blackmail the ruling party in power that ordinarily is manipulated by the head of state. So long as their might allows them to, they really would go to all lengths, even if it means 'killing millions of people and toppling several governments', still less do they have any consideration of propriety, righteousness, probity and conscience. In order to appear compliant and docile, they can advocate the slogans of totalitarianism and in order to practise blackmailing, they can find democratic theories handy. Compliance and blackmailing both become cause and effect, making it impossible to centralize power and still less practise democracy in politics, so there is really not any way out."

Is it not just like what it is today? Politically, it can neither centralize power nor practise democracy. There is really not any way out! Chairman, whether the nomination threshold is set at 15 or 10 is really nothing to do with me. What does it has to do with me? However, I must take this opportunity to speak. What is the difference between 15 nominations and 10 nominations? I cannot make a nomination either, Chairman. All the people in Hong Kong, save for DC members, cannot make a nomination either and also cannot stand to be elected, Chairman.

What is so remarkable about one person, two votes? Chairman HO. Are you not always advocating election by universal and equal suffrage? Is it not stated in the Universal Declaration of Human Rights of the United Nations that all human beings are born free and equal in dignity and rights? Are you not often blackmailing the ruling party by saying, "You are in breach of the International Covenant on Civil and Political Rights"? What are you talking about, Mr Albert HO?

Saying one thing but doing another is how democratic theories come handy. When you want to blackmail, you will praise how well it was said and written and say that Mr XU Fuguan really had wisdom as the article was written back in 1954. What the intellectuals wrote at that time about the past democrats is, in essence, not much different from the contemporary democrats. However, he said that all the intellectuals in the past were all fixed by the Communist Party in 1957. All of that group of people were famous expert scholars. Your quality and theirs is beyond comparison.

Please read more and study history. Study the history of the 1940s when there was a struggle on the Mainland for democracy and freedom, and see what kind of people were the group of intellectuals and democrats demanding the end of the Kuomintang one-party totalitarian rule. In comparison, the democrats nowadays are self-contradictory. If one is wrong, one has to admit one's faults. If one changes one's stance and feels sorry about it, one may as well just admit it. Not only does one refuse to admit, one even brazenly denies it, saying that other people are putting words in your mouth.

Chairman, sorry but tomorrow, I will come back and continue to speak. These amendments are so good, just even better than a stand-up show. If one

performs a stand-up show, one has to rent a venue but it is not necessary to do so here. It can be so delightful, speaking 15 minutes after 15 minutes .....

**CHAIRMAN** (in Cantonese): Mr WONG, according to the Rules of Procedure, your speech must be directly relevant to the subject of the debate at present.

**MR WONG YUK-MAN** (in Cantonese): Understood. I will continue to speak. Is this threshold of 15 persons actually too high or too low? Is the threshold of 10 persons too high or too low? Why not make it five persons? Since the Government has made no promise and has only said that it would be 10 to 20 persons, why use the minimum number? In that case, why did you not propose it when arguing with the Government at the beginning? You had to tell the Government what your bottomline was and that you could not make any concession and if the Government wanted you to support the constitutional reform package, you could have told the Government that you could not make any concession on the number of 10 persons.

Frankly speaking, when you proposed the revised DC package, you also included the old DC FC seat, that is, the one represented by Mr IP Kwok-him, you know what I mean? That means six seats but at present, there are only five seats, right? In any event, you were fighting for "one person, two votes", so did you bargain with the Government? Quote unreasonable prices with an intention to drive a hard bargain.

If you bargain in a flea market, if the stall owner asks for \$300 and I offer \$50, he would say, "\$50 will not do. I will lose money.". I will then go away and he would say, "\$100, \$100 then.". It is like this, is it not? Quote unreasonable prices with an intention to drive a hard bargain. Do you mean you do not even understand this rationale? When it came to such a crucial juncture, what made me particularly angry was that you did not even bring up the appointed seats in DCs as a condition. How possibly can you live up to our expectations? You still want to act as the leader of the pro-democracy camp, so you are really shameless!

How can you be qualified to continue to lead Hong Kong people in campaigning for democracy? What is "path dependence"? Can you explain to

me what this term means? What is the meaning of "path dependence"? That is a road to hell. "A way to heaven you choose not" but this is a road to hell that constrains the entire constitutional development and it will be impossible to have any more discussions in the next decade.

I think it does not matter for us to have differences in our lines but at least, you have to put forward a very clear discourse to the public. Now, you are fishing in muddy waters and saying vaguely that it will depend on the future elections. Who does not know that? There are really a lot of "headless flies" in Hong Kong. Otherwise, we do not need to have such a hard time.

What we are doing now is to work hard to foster a trend in society and to govern well the state but we do not have the ability to change the overall situation. However, Chairman, if we do not give vent to these matters, we cannot have a clear conscience. If we do not speak out, we cannot face people who voted for us, in particular, the 500 000 people who supported the Civic Party and the League of Social Democrats in the "*de facto* referendum of the five geographical constituencies". Each vote was cast with great effort. The Government changed the polling stations but did not give publicity to the changes, and the pro-establishment camp and the Democratic Party were trying to hinder us. In these circumstances, in the end, we still had to be teased by you people, who said, "The turnout rate is very low." They appeared to be very elated when saying so. Does it mean that if the turnout rate was high, you would accept our package?

Chairman, thank you, I will speak again tomorrow.

## **SUSPENSION OF MEETING**

**CHAIRMAN** (in Cantonese): There are just seven minutes to go before 10 pm. I now suspend the meeting to 9 am tomorrow.

*Suspended accordingly at six minutes to Ten o'clock.*



**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)(1)—

**Add**

“(1a) 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)”.

## Legislative Council (Amendment) Bill 2010

**Committee Stage**Amendments to be moved by the Honourable WONG Kwok-kinClauseAmendment Proposed

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 or was a member of any District Council established under the District Councils Ordinance (Cap. 547) who is or was elected under Part V of that Ordinance, or was a member before 1 July 1997 of any District Board established under the District Boards Ordinance (Cap. 366) who was elected under Part II of that Ordinance.”.

## Legislative Council (Amendment) Bill 2010

**Committee Stage**Amendments to be moved by the Honourable Paul TSE Wai-chunClauseAmendment Proposed

15(3) In the proposed section 37(2)(g), by deleting “that Ordinance.” and substituting-  
[NEGATIVED]

“that Ordinance and who shall satisfy the following-

- (i) of a height not exceeding 5’4”;
- (ii) with an academic qualification not higher than matriculation level; and
- (iii) currently earning a monthly salary of not more than \$10,000.”.

46 In the proposed section 3A, by deleting “\$6,000,000.” and substituting “unlimited.”.  
[NEGATIVED]

Legislative Council (Amendment) Bill 2010

**Committee Stage**

Amendment to be moved by the Honourable LAU Wai-hing

Clause

Amendment Proposed

43(1)  
[NEGATIVED]

In the proposed section 7(1A)(a), by deleting “15” and substituting “10”.