

立法會
Legislative Council

LC Paper No. CB(3) 361/12-13

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Date : 14 February 2013

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 20 February 2013

**Amendments to motion on
“Implementing dual universal suffrage”**

Further to LC Paper No. CB(3) 346/12-13 issued on 1 February 2013, five Members (Ir Dr Hon LO Wai-kwok, Hon Gary FAN, Hon Emily LAU, Hon WONG Yuk-man and Dr Hon KWOK Ka-ki) have respectively given notices of their intention to move separate amendments to Hon Ronny TONG’s motion on “Implementing dual universal suffrage” scheduled for the Council meeting of 20 February 2013. As directed by the President, the respective amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

2. The President will order a joint debate on the above motion and amendments. To assist Members in debating the motion and amendments, I set out below the procedure to be followed during the debate:

- (a) the President calls upon Hon Ronny TONG to speak and move his motion;
- (b) the President proposes the question on Hon Ronny TONG’s motion;
- (c) the President calls upon the five Members who wish to move amendments to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Ir Dr Hon LO Wai-kwok;
 - (ii) Hon Gary FAN;

- (iii) Hon Emily LAU;
 - (iv) Hon WONG Yuk-man; and
 - (v) Dr Hon KWOK Ka-ki;
- (d) the President calls upon the public officer(s) to speak;
 - (e) the President invites other Members to speak;
 - (f) the President gives leave to Hon Ronny TONG to speak for the second time on the amendments;
 - (g) the President calls upon the public officer(s) to speak again;
 - (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the five Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Ir Dr Hon LO Wai-kwok to move his amendment to the motion, and forthwith proposes and puts to vote the question on Ir Dr Hon LO Wai-kwok's amendment;
 - (i) after Ir Dr Hon LO Wai-kwok's amendment has been voted upon, the President deals with the other four amendments; and
 - (j) after all amendments have been dealt with, the President calls upon Hon Ronny TONG to reply. Thereafter, the President puts to vote the question on Hon Ronny TONG's motion, or his motion as amended, as the case may be.

3. For Members' ease of reference, the terms of the original motion and of the motion, if amended, are set out in the **Appendix**.

(Odelia LEUNG)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Implementing dual universal suffrage”
to be held at the Council meeting of 20 February 2013**

1. Hon Ronny TONG’s original motion

That this Council urges the SAR Government to expeditiously commence extensive consultation on implementing dual universal suffrage and, before the submission by the Chief Executive of a report on constitutional reform to the Standing Committee of the National People’s Congress, to allow sufficient time for the general public to discuss the contents of the report.

2. Motion as amended by Ir Dr Hon LO Wai-kwok

That, *as the timetable for implementing universal suffrage has not come by easily*, this Council urges the SAR Government to ~~expeditiously commence~~, *in accordance with the provisions of the Basic Law and the relevant decisions of the Standing Committee of the National People’s Congress (‘NPCSC’), reserve sufficient time to conduct* extensive consultation on ~~implementing dual universal suffrage and, before the submission by the Chief Executive of a~~ *the methods for the election of the Chief Executive by universal suffrage in 2017 and the election of the Legislative Council in 2016, so as to allow sufficient time for the general public to discuss the contents of the consultation document; and, in the* report on constitutional reform ~~to the Standing Committee of the National People’s Congress, to allow sufficient time for the general public to discuss the contents of the report~~ *to be submitted by the Chief Executive to NPCSC, to truthfully and fully reflect the views of the general public; this Council appeals to the various social sectors and political parties, with a rational and accommodating attitude of seeking common ground while reserving differences, strive to forge social consensus in the process, and join hands to promote and achieve the aim of dual universal suffrage.*

Note: Ir Dr Hon LO Wai-kwok’s amendment is marked in *bold and italic type* or with deletion line.

3. Motion as amended by Hon Gary FAN

That, *as Articles 45 and 68 of the Basic Law provide for the selection of the Chief Executive and the election of the Legislative Council of HKSAR by*

universal suffrage as the ultimate aim, this Council urges the SAR Government to expeditiously commence extensive consultation on implementing dual universal suffrage and, before the submission by the Chief Executive of a report on constitutional reform to the Standing Committee of the National People's Congress, to allow sufficient time for the general public to discuss the contents of the report; *the contents of the report on constitutional reform should include:*

- (1) *to completely abolish the functional constituency seats in the Legislative Council in 2016, allowing Hong Kong people to elect all Legislative Council Members by the method of 'one person, one vote';*
- (2) *on the election of the Chief Executive in 2017, to adopt a low nomination threshold, and allow Hong Kong people to elect the Chief Executive by the method of 'one person, one vote'; and*
- (3) *to ensure that the proposal on constitutional reform complies with the principles of universality and equality under Article 25 of the International Covenant on Civil and Political Rights of the United Nations, i.e. Hong Kong people should have the right and the opportunity to vote and to be elected in fair, impartial and open elections of the Chief Executive and the Legislative Council.*

Note: Hon Gary FAN's amendment is marked in *bold and italic type*.

4. Motion as amended by Hon Emily LAU

That, *as the general public longs for expeditious implementation of dual universal suffrage*, this Council urges the SAR Government to expeditiously commence extensive consultation on implementing dual universal suffrage ~~and~~, *the contents of which should include:*

- (1) *to reduce the number of functional constituency seats, increase the number of seats returned by geographical constituencies and abolish separate voting in the Legislative Council in 2016; and abolish all functional constituency seats no later than 2020, so as to achieve the aim of conducting elections based on universality and equality;*
- (2) *on the election of the Chief Executive in 2017, to directly elect the Chief Executive on a 'one person, one vote' basis; the procedure for nominating candidates must be democratic and fair; the nominating committee should not screen or pre-select candidates and should not use the nomination threshold to exclude people with different political views; the nomination threshold should not be higher than the current*

requirement of one-eighth of the nominating committee members, an upper limit should be set on the number of subscribers obtained by a candidate, and the nomination mechanism should be opened up, so that people with nominations of a certain percentage (e.g. 3%) of the registered voters can be nominated as candidates; and

- (3) *with the mode of ‘legislating in one go, implementation in phases’, to formulate methods for the election of the Chief Executive in 2017 and the elections of the Legislative Council in 2016 and 2020, and to ensure compliance of the methods with the definitions of universality and equality under international covenants on human rights;*

and before the submission by the Chief Executive of a report on constitutional reform to the Standing Committee of the National People’s Congress, to allow sufficient time for the general public to discuss the contents of the report.

Note: Hon Emily LAU’s amendment is marked in *bold and italic type*.

5. Motion as amended by Hon WONG Yuk-man

~~That this Council urges the SAR Government to expeditiously commence extensive consultation on implementing dual universal suffrage and, before the submission by the Chief Executive of a report on constitutional reform to the Standing Committee of the National People’s Congress, to allow sufficient time for the general public to discuss the contents of the report~~ *convene a constitutional amendments convention composed mainly of public opinion representatives and constitutional experts to study amendments to the Basic Law and propose using the methods of ‘one person, one vote’ and ‘no screening of nominations’ for electing the Chief Executive (“CE”) and Legislative Council Members, to be followed by the SAR Government’s proposal of bills for amendments to the relevant parts of the Basic Law and the conduct of a referendum on such amendment proposals; after passage of the referendum but before implementing dual universal suffrage, Legislative Council Members to resign en masse, and CE to also resign, with civil servants maintaining the daily operation of the SAR Government; following the election of CE by universal suffrage on a ‘one person, one vote’ basis and the appointment of a new team of accountability officials, the election of the Legislative Council by universal suffrage must be implemented immediately.*

Note: Hon WONG Yuk-man’s amendment is marked in *bold and italic type* or with deletion line.

6. Motion as amended by Dr Hon KWOK Ka-ki

That this Council urges the SAR Government to expeditiously commence extensive consultation on implementing dual universal suffrage and, before the submission by the Chief Executive of a report on constitutional reform to the Standing Committee of the National People's Congress, to allow sufficient time for the general public to discuss the contents of the report; *the relevant contents should include:*

- (1) *to respect public opinions: before initiating the five-step mechanism for constitutional reform, sufficient time must be allowed for discussion by the public and the Legislative Council; and the Government should conduct public consultation lasting no less than six months within 2013;*
- (2) *to conduct public consultation on reforming the methods for the elections of the Chief Executive and the Legislative Council respectively, so as to make the arrangements for the election of the Legislative Council in 2016 as early as possible;*
- (3) *to completely abolish functional constituency seats in the Legislative Council;*
- (4) *to lower the nomination threshold for standing for the election of the Chief Executive, allowing people to elect the Chief Executive by the method of 'one person, one vote'; and*
- (5) *to ensure compliance of the methods for the elections of the Legislative Council and the Chief Executive with Article 25 of the International Covenant on Civil and Political Rights of the United Nations, i.e. every citizen 'shall have the right and the opportunity without unreasonable restrictions: To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage guaranteeing the free expression of the will of the electors'.*

Note: Dr Hon KWOK Ka-ki's amendment is marked in *bold and italic type*.