

**立法會**  
***Legislative Council***

LC Paper No. CB(4)1064/14-15

Ref: CB(4)/SC/PL(14-15)

**Paper for the House Committee meeting  
on 29 May 2015**

**Report of the delegation of the Legislative Council on its  
parliamentary visit to Germany and priority allocation of a debate slot to  
the Chairman of the Parliamentary Liaison Subcommittee**

**Purpose**

This paper invites Members to –

- (a) note the Report ("the Report") of the delegation of the Legislative Council ("LegCo") on its parliamentary visit to Germany; and
- (b) consider the request of the Parliamentary Liaison Subcommittee ("the Subcommittee") for the priority allocation of a debate slot under Rule 14A(h) of the House Rules ("HR") to Hon Emily LAU Wai-hing, the Chairman of the Subcommittee, for moving a motion for debate on the Report at the Council meeting of 24 June 2015.

**Report on the parliamentary visit**

2. Formed under the House Committee ("HC"), the Subcommittee coordinates all parliamentary liaison activities between LegCo and other parliamentary organizations outside Hong Kong. In developing good relationship with parliamentary organizations, members of the Subcommittee participate, on a regular basis, in receiving parliamentarians and delegations visiting Hong Kong. The Subcommittee also makes recommendation to HC on sending delegations of LegCo Members on visits outside Hong Kong and organizes such visits.

3. In January 2015, the Consulate General of the Federal Republic of Germany in Hong Kong wrote to LegCo inviting a delegation of nine LegCo Members to visit the Federal Parliament of Germany. As proposed by the German Government, the delegation would visit Berlin, the capital of the Federal Republic of Germany, and Bremen, one of the 16 federal states of Germany. All expenses for the visit are borne by the German Government.

4. The Subcommittee held a meeting to consider the invitation and decided to recommend to the House Committee ("HC") the acceptance of the invited visit to Germany. The Subcommittee's recommendation was endorsed by HC on 23 January 2015.

5. The LegCo delegation visited Berlin and Bremen from 1 to 6 March 2015. In Berlin, the delegation met with the Vice-President and Members of the Bundestag (lower House of the Federal Parliament of Germany), Members of the German-Chinese Parliamentary Friendship Group, Members of the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure, representatives of the Federal Ministry of the Interior and State Secretary of the Federal Foreign Office. In Bremen, the delegation met with, among others, President of the Bremen Parliament, parliamentary manager of a party represented in the Bremen Parliament, representatives of the Bremen State Chancellery, Head of the Foreign Trade and International Economic Relations Office to the Senator for Economic Affairs, Labour and Ports, Desk Officer for Mobility Management to the Senator for the Environment, Construction and Transport, Deputy Head of the Regional Centre for Civic Education, academics from the University of Bremen and Jacobs University, and the Returning Officer of the Bremen Statistical Office. The details of the visit and the delegation's findings and observations are set out in the Report in **Appendix I**. The Subcommittee has endorsed the delegation's Report.

### **Motion debate**

6. The LegCo delegation, with the endorsement of the Subcommittee, has recommended that the approval of HC should be sought for priority allocation of a debate slot to the Chairman of the Subcommittee for moving a motion for debate on the Report at a Council meeting. The debate will provide an opportunity for all Members to express views on the subjects and for the Administration to respond.

7. Under HR 14A(h), LegCo committees and subcommittees may make a request for priority allocation of debate slots and such request shall be put forward to HC for consideration on a case-by-case basis. Should HC accede to such a request, the debate slot shall not be counted as the mover's own slot. Pursuant to this rule, the Subcommittee requests the agreement of HC for priority allocation of a debate slot to Hon Emily LAU Wai-hing, the Chairman of the Subcommittee, for moving a motion for debate on the Report at the Council meeting of 24 June 2015. The wording of the motion is in **Appendix II**. The Subcommittee also proposes that in addition to this debate, one other debate on a Member's motion not intended to have legislative effect should be held at that Council meeting.

### **Advice sought**

8. Members are invited to note the Report and consider the Subcommittee's request in paragraph 7 above.

Council Business Division 4  
Legislative Council Secretariat  
28 May 2015

**Legislative Council**  
**of the**  
**Hong Kong Special Administrative Region**

---

**Report on the Visit of the Delegation of the  
Legislative Council to Germany**

**1 to 6 March 2015**

---

# TABLE OF CONTENTS

---

<b>Chapter</b>		<b>Page</b>
<b>1</b>	<b>Introduction</b>	
	• Purpose of the report	1
	• Background of the visit	1
	• Purpose of the visit	2
	• Membership of the delegation	2
	• Visit programme	2
<b>2</b>	<b>Berlin</b>	
	• Visit programme	4
	• Overview of the political system in Germany	5
	• Role of Meditation Committee in legislative process	12
	• The Federal Constitutional Court	16
	• The Council of Elders	17
	• Permanent committees	19
	• Federal Ministry of the Interior	22
	• Federal Ministry for Foreign Affairs	23
	• German-Chinese Parliamentary Friendship Group of the Bundestag	24
	• Parliamentary Relations and Language Services of the Bundesrat	26
	• Tour of the Reichstage Building and Bundesrat Building	26
	• Hong Kong Economic and Trade Office in Berlin	28
<b>3</b>	<b>Bremen</b>	
	• Visit programme	30
	• Overview of the political system of Bremen	31
	• Civic participation in policy decision making process	35
	• Engaging young people in public and political affairs	37
	• Bremen as a business location	38
	• Tour of the Bremen Town Hall and Bremen Parliament House	39
<b>4</b>	<b>Observations and conclusions</b>	
	• General	43
	• Observations	43
	• Conclusions	46

## TABLE OF CONTENTS

---

	<b>Page</b>
<b>Acknowledgements</b>	47
<b>Acronyms and abbreviations</b>	48
<b>Appendix</b>	
Visit Programme	

## **Chapter 1 – Introduction**

---

### **Purpose of the report**

1.1 This report presents the findings and observations of the visit of the delegation of the Legislative Council ("LegCo") to Berlin, the capital of the Federal Republic of Germany, and Bremen, one of the 16 federal states of Germany, from 1 to 6 March 2015.

### **Background of the visit**

1.2 Formed under the House Committee of LegCo ("HC"), the Parliamentary Liaison Subcommittee ("the Subcommittee") coordinates all parliamentary liaison activities between LegCo and other parliamentary bodies in various territories. In developing good relationship with parliamentary bodies, members of the Subcommittee participate, on a regular basis, in receiving parliamentarians and delegations visiting Hong Kong. The Subcommittee also makes recommendations to the House Committee on sending delegations of LegCo Members on visits outside Hong Kong and organizes such visits.

1.3 On behalf of the German Government, the Consulate General of the Federal Republic of Germany in Hong Kong wrote to LegCo in January 2015 inviting a delegation of nine LegCo Members to visit the Federal Parliament of Germany ("the Parliament"). As proposed by the German Government, the delegation would visit Berlin, the capital of the Federal Republic of Germany, and Bremen, one of the 16 federal states of Germany from 1 to 6 March 2015. The preliminary programme of the visit included, among others, meeting with Members of the Committee for Scrutiny of Elections, Immunity and the Rules of Procedure, Council of Elders of the Bundestag, German-Chinese Parliamentary Group and the Federal Foreign Office. All expenses for the visit are borne by the German Government.

1.4 The Subcommittee held a meeting to consider the invitation and decided to recommend to HC the acceptance of the invited visit to Germany. The Subcommittee also decided to recommend the adoption of the selection mechanism endorsed by HC on 30 May 2014 for the allocation of the nine places for the invited visit. HC endorsed the Subcommittee's recommendations at its meeting on 23 January 2015.

## **Chapter 1 – Introduction**

---

1.5 The delegation held a working meeting with Mr Nikolaus COUNT LAMBSDORFF, Consul General of Germany in Hong Kong, and Mrs Anna BARTELS, Deputy Consul General of Germany in Hong Kong, on 25 February 2015 to finalize the visit programme as well as the desired topics for discussion with Members of the Parliament.

### **Purpose of the visit**

1.6 The purpose of the delegation's visit is to establish and reinforce link with the German legislature, foster better mutual understanding, keep the Parliament as well as community and leaders abreast of the latest developments in Hong Kong, and sustain their interest in Hong Kong affairs. The visit is also worthwhile for LegCo Members to gain insight of the political and electoral system of Germany, as well as the functions and operation of its bicameral legislature.

### **Membership of the delegation**

1.7 The delegation comprises the following nine Members:

Hon Emily LAU Wai-hing, JP (Leader)  
Hon Tommy CHEUNG Yu-yan, SBS, JP (Deputy Leader)  
Hon LEE Cheuk-yan  
Hon CHAN Hak-kan, JP  
Hon Paul TSE Wai-chun, JP  
Hon Kenneth LEUNG  
Hon Dennis KWOK  
Hon IP Kin-yuen  
Hon TANG Ka-piu, JP

1.8 Mr Matthew LOO, Assistant Secretary General 4, accompanied the delegation on the visit.

### **Visit programme**

1.9 The visit programme commenced on 1 March 2015 and ended on 6 March 2015. In Berlin, the delegation met with the Vice-President



## Chapter 1 – Introduction

---

and Members of the Bundestag (lower House of the Federal Parliament of Germany), Members of the German-Chinese Parliamentary Friendship Group, Members of the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure, representatives of the Federal Ministry of the Interior and State Secretary of the Federal Foreign Office. In Bremen, the delegation met with, among others, President of the Bremen Parliament, parliamentary manager of a party represented in the Bremen Parliament, representatives of the Bremen State Chancellery, Head of the Foreign Trade and International Economic Relations Office to the Senator for Economic Affairs, Labour and Ports, Desk Officer for Mobility Management to the Senator for the Environment, Construction and Transport, Deputy Head of the Regional Centre for Civic Education, academics from the University of Bremen and Jacobs University, and the Returning Officer of the Bremen Statistical Office.

1.10 In addition, the delegation visited the Hong Kong Economic and Trade Office in Berlin .

1.11 The detailed visit programme is in **Appendix**.

## Chapter 2 – Berlin

---

### Visit programme

2.1 The delegation visited the German Bundestag (the Lower House of the German Parliament) ("the Bundestag") and the German Bundesrat (Upper House of the German Parliament) ("the Bundesrat") in its three-day visit in Berlin from 2 to 4 March 2015.

2.2 During its visit to the Bundestag, the delegation met with Ms Ulla SCHMIDT, Vice-President of the Bundestag (Social Democratic Party) and Member of the Council of Elders ("the Council"), Dr Johann WADEPHUL, Member of the Bundestag (Christian Democratic Union) and the Chairman of the Bundestag's Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure ("CSEIRP"), Mr Cem ÖZDEMİR, Member of the Bundestag (Alliance 90/The Greens) and the Vice-Chairman of the Bundestag's German-Chinese Parliamentary Friendship Group ("the Friendship Group").

2.3 The delegation also met with Mr Claus KOGGEL, Head of Division for Parliamentary Relations and Language Services of the Bundesrat.

2.4 In addition, the delegation met with Dr Ole SCHRÖDER, Member of the Bundestag (Christian Democratic Union) and Parliamentary State Secretary to the Federal Ministry of the Interior ("FMI"), and held a discussion session with Dr Henner Jörg BOEHL, Head of Division for Election Law and Political Party Law of the FMI, and Dr Markus EDERER, State Secretary of the Federal Foreign Office ("FFO").

2.5 Through these meetings and briefings, the delegation gained an in-depth understanding of the constitutional and political system of Germany and learnt about the functions and operation of its bicameral legislature, the relationship between the Bundestag and the Bundesrat, the overview of the Friendship Group, the work of the CSEIRP and the Council, as well as the work of the FMI and the FFO. The delegation also shared with German politicians the recent political development in Hong Kong.

2.6 The delegation also took the opportunity to visit the Hong Kong Economic and Trade Office ("HKETO") in Berlin.

## Chapter 2 – Berlin

---

### Overview of the political system in Germany

#### Recent history of constitutional and political development in Germany

2.7 In 1871, the German-speaking states in Central Europe were united under the German Empire. The empire rose to a world power by the turn of the 20th century, but it was defeated by the Allied Powers in World War I. Germany was forced to sign the *Treaty of Versailles* under which it had to disarm, make substantial territorial concessions and pay heavy financial reparations.

2.8 The Weimar Republic<sup>1</sup>, the first democratic system in the German history, was founded in 1919 to replace the German Empire. In 1933, Adolf HITLER of the National Socialist German Workers' Party (more commonly known as the Nazi Party) came to power as he accepted the offer from the then President Paul von HINDENBURG for the post of Federal Chancellor, who is the head of government and equivalent to the Prime Minister in many other countries. HITLER succeeded as the President when HINDENBURG died in 1934.

2.9 On 1 September 1939, HITLER ordered the German troops to invade Poland and started World War II. Germany surrendered in 1945 and was divided among four Allied Powers, i.e. the Soviet Union in the east, and the United States, the United Kingdom and France in the west. In 1949, the democratic Federal Republic of Germany was established in the three western occupation zones. It was followed shortly by the formation of the communist German Democratic Republic in eastern Germany as a satellite state of the Soviet Union. In the wake of the democratic reforms in the Soviet Union and the collapse of the communist regimes in Eastern Europe during the late 1980s, the German Democratic Republic held its first free election in March 1990 and was reunited with its western counterpart in October 1990.

2.10 The reunified Germany has played an important role in the international arena. For example, Germany is a founding member of the European Union and has supported the latter's enlargement with the

---

<sup>1</sup> The Weimar Republic is the name given by historians to the federal republic and parliamentary representative democracy established in 1919 to replace the imperial government. It was named after Weimar, the city where the constitutional assembly took place.

## Chapter 2 – Berlin

---

accession of the East European countries to the bloc.

### Basic Law for the Federal Republic of Germany

2.11 The political system of the Federal Republic of Germany represents the second democratic system in the German history. The delegation has noted that the design of the *Basic Law for the Federal Republic of Germany* ("*Basic Law*"), the *Constitution* of Germany<sup>2</sup> has taken into account the lessons learned from the Weimar Republic and the Nazi dictatorship, and has placed the value on a way of life based on the principle of liberty following the dictatorship and a striving for acceptance by the country's democratic neighbors after World War II. Article 1 of the *Basic Law* has particularly stipulated that respect of human dignity should be the most important aspect of the *Constitution*<sup>3</sup>.

2.12 The *Basic Law* consists of 11 chapters which set out the rights of the German people and outline in considerable detail the political and legal system of Germany and enshrines the principle of the tripartition of powers into the Executive, Legislative and Judicial Branches. It lays down representative democracy as the form of rulership and all state authorities should be subject to judicial control.

2.13 Another principle laid down in the *Basic Law* is that Germany is a federal state the ruling authorities of which are divided into a number of member states (i.e. Land) and the central state to reflect the regional diversity of Germany and to ensure that not too much power was vested at the centre. While the Federal Government has primary responsibility in most policy areas, the state governments have primary responsibility over such areas as education, culture, law enforcement, supervision of the media, as well as residual powers in the areas that are not specifically designated by *Basic Law*. The state governments also appoint the members to the Bundesrat. The President is the head of state and the Federal Chancellor the head of government under the *Basic Law*.

---

<sup>2</sup> The Basic Law was originally intended as a temporary solution in 1949 for the western section of Germany. It was adopted as constitution of a united Germany in 1990 after 40 years of division.

<sup>3</sup> Section 1 of the Basic Law provides that "Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority."

## Chapter 2 – Berlin

---

### Political parties

2.14 The delegation has noted that it is the task of political parties to participate in the formation of political will of the people under the *Basic Law*. It is also a constitutional task of political parties to put forward candidates for political offices and organize election campaigns.

2.15 Political parties can be freely established but their internal organization of political parties must conform to democratic principles<sup>4</sup>.

2.16 Article 18 of the *Basic Law* provides that "Whoever abuses freedom of expression of opinion, in particular freedom of the press, freedom of teaching, freedom of assembly, freedom of association, privacy of posts and telecommunications, property, or the right of asylum in order to combat the free democratic basic order, shall forfeit these basic rights.". This Article was invoked twice in the 1950s to ban political parties of the extreme right and left.

2.17 The delegation also has noted that political parties are reimbursed the costs they incur in their respective election campaigns. Under the *Act on Political Parties Act*, each political party would receive a lump sum from the state toward its election campaign costs, and the criteria for the distribution of these public funds shall be the parties' performance in European, Bundestag and state parliament elections, the sum of its membership contributions and the amount of donations received. The maximum annual amount of public funds which may be granted to all parties shall be DM230 million<sup>5</sup> (absolute limit). Details of the allocation are set out in the *Act on Political Parties*<sup>6</sup>.

### The Bundestag

2.18 The Bundestag is the elected representation of German people. As a directly elected body, the Bundestag is empowered to enact and amend legislation, elect the Federal Chancellor, monitor the performance of the Federal Government based on the rights and instruments set out in the *Basic Law*, including interpellations and debates on matters of public

---

<sup>4</sup> Article 21 of the Basic Law.

<sup>5</sup> The official exchange rate is set at 1 euro to 1.95583 Deutsche Mark (DM)

<sup>6</sup> Articles 18 and 19 of the Act on Political Parties.

## Chapter 2 – Berlin

---

interest, approve federal budget and scrutinize its implementation by the Federal Government, determine the amount of public funding that parties are entitled to receive under the *Act on Political Parties*, and elect the President together with the appointed Members from the state legislatures at the Federal Convention<sup>7</sup> established solely for the presidential election of Germany. Mr Norbert LAMMERT of the Christian Democratic Union has been the President of the Bundestag since October 2005.

2.19 At the briefing given by Dr Henner Jörg BOEHL, Head of Division for Election Law and Political Party Law of the Federal Ministry of the Interior, the delegation has learnt that the election of the Bundestag is held once every four years unless it is dissolved earlier. The Bundestag consists of 598 regular seats elected under a mixed electoral system. One half of the seats are elected directly in 299 constituencies based on a majority vote, while the other half are filled through the proportional representation system using the party list.

2.20 Each voter has two votes in the election of the 598 seats in the Bundestag; one for a candidate in one of 299 constituencies and the other for one party's list of candidates in a particular state. The first vote allows voters to elect their local representatives to the Bundestag based on a majority vote, and the second vote is to determine the relative strengths of the parties represented in the Bundestag. The proportion of second votes won by a political party determines its representation in the Bundestag and the number of Members elected from the federal states to the Bundestag. This arrangement aims to allocate extra seats to political parties so that the make-up of the Bundestag reflects the support of these parties across the country.

2.21 The delegation has noted that to qualify for seat allocation, a political party must obtain at least three seats from the first votes or 5% of the second votes. If parties win more constituency seats than their share of seats determined by the party vote, they can keep the extra seats which are known as the "overhang seats". In case some parties obtain "overhang seats", "balance seats" are added to other parties to ensure complete proportionality of the share of votes for all parties as stipulated under the *Federal Electoral Act* in 2013. The number of seats will be over 598 if

---

<sup>7</sup> The Federal Convention is made up of all Members of the Bundestag and an equal number of representatives elected by the state legislatures.

## Chapter 2 – Berlin

---

there are "overhang seats" and "balance seats". In the 2013 election, there were four "overhang seats" and 29 "balance seats", bringing the total membership of the Bundestag to 631. As at 10 January 2015, the composition of the Bundestag by parliamentary group was as follows:

- (a) Christian Democratic Union/Christian Social Union alliance (311 Members);
- (b) Social Democratic Party (193 Members);
- (c) The Left Party (64 Members); and
- (d) Alliance 90/The Greens (63 Members).

2.22 The delegation has also noted that political parties play a very important role in election. Only political parties may submit state lists of candidates. If a party has not been represented by at least five Members in the Bundestag or a state parliament without interruption since the last election, the Federal Electoral Committee will decide whether it is a party for the election under Section 18 of the *Federal Electoral Act*.



Visit to the plenary chamber of the Reichstag building

## Chapter 2 – Berlin

---

### The Federal President

2.23 The Federal President is the head of state of the Federal Republic of Germany who is empowered to propose a candidate to the Bundestag for the office of Federal Chancellor, appoint and dismiss the Federal Chancellor, other Ministers and Federal judges, promulgate legislation passed by the Legislative Branch, and represent Germany at both at home and abroad, accredit and receive envoys, and conclude treaties with foreign states. The Federal President can also dissolve the Bundestag upon the request from the Federal Chancellor if the Bundestag are not supportive of the Federal Chancellor's policies through the vote of confidence

2.24 The President is indirectly elected for a five-year term, renewable once, by the Federal Convention established solely for the presidential election. Mr Joachim Gauck, a former Lutheran pastor, was elected the President in March 2012.

### The Federal Chancellor and the Government

2.25 In Germany, executive power is vested in the Cabinet formed by the Federal Chancellor and other Ministers. The Federal Chancellor is the head of government and is empowered, among other things, to propose ministerial candidates to the Cabinet, chair the Cabinet and reconcile the difference among Ministers, determine the government policies, and command the armed forces in case the country is under attack.

2.26 To be elected as the Federal Chancellor, the candidate has to obtain an absolute majority of votes in the Bundestag. The election is often preceded by extensive negotiations between those parties that plan to govern together, and the leader of the party or coalition of parties winning the Bundestag election usually becomes the Federal Chancellor. Ms Angela MERKEL of the Christian Democratic Union has served as the Federal Chancellor since 2005, and she was re-elected for a third term in December 2013.

2.27 As regards the general election on 22 September 2013, the Christian Democratic Union/Christian Social Union alliance won 41.5% of the vote (311 seats), leaving it just five seats short of an absolute



## Chapter 2 – Berlin

---

majority. However, its coalition partner, the Free Democratic Party, failed to obtain any seat in the Federal Parliament and was also voted out of some state Parliaments in the following months such that it is not participating in any governments any longer, forcing Ms MERKEL to look for a new coalition partner. After two-month negotiation, the Christian Democratic Union/Christian Social Union alliance reached a deal with the Social Democratic Party to form the second grand coalition under MERKEL's chancellorship. Compromises were made in this coalition agreement: the Social Democrats secured a nationwide minimum wage of 8.50 euros per hour that will be introduced in 2015, with industry and labor associations given the ability to negotiate exceptions until 2017, and the conservatives managed to push through their position on state finance by spelling out in the coalition agreement that there would be no new taxes or increase in debt.

### The Bundesrat

2.28 The Bundesrat is composed of appointed Members representing the 16 states of Germany. It has the same functions as those of Second Chambers in other federal states that are generally referred to as the Senate. The membership composition of the Bundesrat provides a channel for the states to be directly involved in federal legislation and administration. Members of the Bundesrat are bound by the instructions of their state governments and can only vote unanimously for their respective states. The number of votes each state gets is determined by the size of its population.

2.29 The delegation has noted that the Bundesrat is made up of 69 Members appointed by the state governments. The Members concurrently hold office in the state and federal institutions. The representatives are appointed by each of the state cabinets, and are not directly elected by the people. The number of seats for each state is based on the population size of a state, ranging from three to six seats. There is no definite term of office for Members of the Bundesrat. The state governments may recall or replace their representatives at anytime. Each Member has one vote in the Bundesrat. The current composition of the Bundesrat by state is as follows:

## Chapter 2 – Berlin

---

- (a) six Members each for Baden-Württemberg, Bavaria, Lower Saxony and North Rhine-Westphalia;
- (b) five Members for Hesse;
- (c) four Members each for Berlin, Brandenburg, Rhineland-Palatinate, Saxony, Saxony-Anhalt, Schleswig-Holstein and Thuringia; and
- (d) three Members each for Bremen, Hamburg, Mecklenburg-Vorpommern and Saarland.

2.30 To counterweight the power of the Bundestag, the Bundesrat is vested with a number of legislative and scrutiny powers. For example, most bills prepared by the Federal Government must have been passed by the Bundesrat before they can be presented to the Bundestag for scrutiny and vote<sup>8</sup>. For bills to amend the *constitution*, or bills which affect the states' budgetary revenue and administration, the approval of the Bundesrat must be sought before they can become law. The Bundesrat may also veto a bill that substantially affects the state interests. The presidency of the Bundesrat rotates annually among the 16 states, beginning with the Minister-President<sup>9</sup> of the most populous state. Volker BOUFFIER of the Christian Democratic Union, the Minister-President of Hesse, has been the President of the Bundesrat since November 2014.

### **Role of Meditation Committee in legislative process**

2.31 Bills must be approved by the Bundestag and the Bundesrat to become legislation. The legislative process provides for the Bundesrat to make initial comments on a bill before it is submitted to the Bundestag. The bill, together with the Bundesrat's comments, is then put to the Bundestag for scrutiny. Once the bill has gained the necessary majority in the plenary of the Bundestag after the third reading, it is transmitted to

---

<sup>8</sup> One exception to this arrangement is the draft budget bill that has to be submitted simultaneously to the Bundestag and the Bundesrat for consideration.

<sup>9</sup> The Minister-President is the head of state and government of a German state; the office roughly corresponds to the governor of a U.S. state.

## Chapter 2 – Berlin

---

the Bundesrat for consideration. The Bundesrat cannot make amendments to a bill adopted by the Bundestag, but may lodge an objection to the bill. For some bills, such as those affecting finances and administrative competencies of the 16 constituent states, the consent of the Bundesrat is a compulsory requirement.

2.32 In the case of a bill which the Bundesrat only has the right to object, the Bundesrat must ask the Mediation Committee ("MC") to convene a meeting if it cannot consent to the bill. If a bill requires the consent of the Bundesrat to become law, the Bundesrat may simply exercise a veto and the bill will fail. The Bundesrat is not obliged to refer a bill to MC if it wants to defeat a bill by refusing to give its consent. Nevertheless, the Bundestag and the Federal Government may demand that MC convene a meeting in order to bring about agreement.

2.33 The delegation has discussed the composition and operation of MC during meetings with Members of the Bundestag and the Bundesrat. The delegation has noted that MC was established under Article 77 of the *Basic Law* as a body which acts as an intermediary to find consensus between the Bundestag and the Bundesrat when a bill adopted by the Bundestag cannot secure consent in the Bundesrat. MC comprises 16 Members of the Bundestag and an equal number from the Bundesrat. A substitute is nominated for each Member, who may attend meetings if the Member is absent. Members of MC from the Bundestag are determined according to the relative strengths of the parliamentary groups (i.e. a political party or a coalition of parties) in the Bundestag. Members of MC from the Bundesrat are appointed by the 16 federal states with one representative from each state. Members of MC enjoy complete freedom in reaching their decisions and are not bound by instructions of any kind from their parliamentary groups. MC has two chairpersons, i.e. one from the Bundestag and the other from the Bundesrat. The duty to chair meetings is passed from one chairperson to the other every three months.

2.34 The decisions made by MC, known as "compromise proposals", are taken on a majority basis. MC will submit the compromise proposals to the Bundestag and the Bundesrat. MC may recommend a bill passed by the Bundestag to be amended, confirmed as previously proposed, or be rejected.

## Chapter 2 – Berlin

---

2.35 If MC proposes that a bill passed by the Bundestag be rejected/amended, the Bundestag must take another decision on the bill (the so-called "fourth reading"). The Bundestag is free to decide whether to accept or reject the MC's proposal. If MC proposes to reject a bill and the Bundestag agrees, this means the bill is defeated. Alternatively, if MC proposes to amend a bill and the Bundestag agrees, the bill will be laid before the Bundestag once more. The Bundestag can reject MC's proposal to reject/amend a bill in the case of a bill which the Bundesrat only has the right of objection. However, the Bundestag has to secure absolute majority of its Members in order to do so. In the case of a bill requiring the consent of the Bundesrat, the Bundestag cannot overrule MC's proposal.

2.36 When MC proposes the confirmation of a bill as previously adopted, it will be submitted to the Bundesrat again. If the Bundesrat votes for the bill, it will go into force. If the Bundesrat rejects the bill, further procedure will depend on whether it is a bill that requires the consent of the Bundesrat<sup>10</sup> or a bill to which the Bundesrat may lodge an objection<sup>11</sup>.

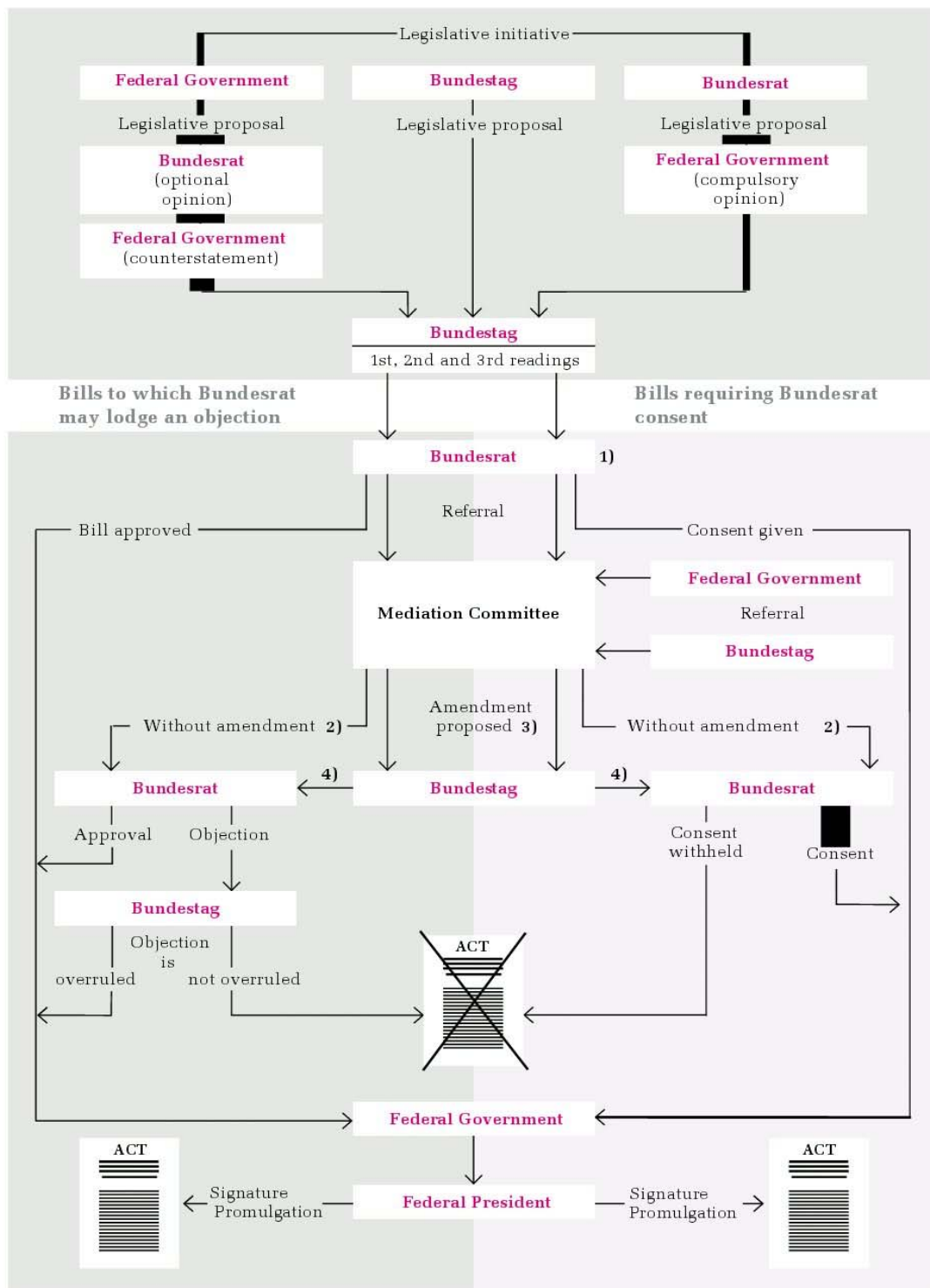
2.37 The delegation has noted that all meetings of MC are strictly confidential. Minutes of the meetings are not made public until the beginning of the second electoral term following the one during which the meeting was held (i.e. generally not until at least 4 years have passed). Members of the Bundestag and the Bundesrat generally consider that if meetings were not strictly confidential, MC members would be unable to reach compromises with each other and would be put under pressure by their respective state governments or political parties to refuse to make concessions on particular issues.

---

<sup>10</sup> Failure by the Bundesrat to give consent to the bill would mean the final defeat of the bill.

<sup>11</sup> The Bundestag can override the objection if it secures the necessary absolute majority of its Members.

## Chapter 2 – Berlin



Flow-chart showing the legislative process of the Germany

(Source: "Facts: The Bundestag at a glance" published by German Bundestag, Public Relations Division, Berlin (as at July 2014))

### The Federal Constitutional Court

2.38 Under the *Basic Law*, all state authorities should be subject to judicial control in Germany. When discussing the constitutional and political developments with Members of the Bundestag and the Bundesrat, the delegation has noted that the Federal Constitutional Court ("FCC") plays an important role to ensure that the *Basic Law* is obeyed. FCC, founded in 1951, is both a court and a constitutional organ. FCC has helped to secure respect for and effectiveness of Germany's free and democratic order. This applies particularly to enforcement of fundamental rights. All government bodies are obliged to respect the *Basic Law*. Should any conflict arise, the jurisdiction of FCC may be invoked and its decisions are final.

2.39 According to the *Federal Constitutional Court Act*, FCC consists of two Senates, each of them with eight Justices. Each Senate has its own defined competence to decide and a decision can be taken by the Plenary, i.e. a decision taken jointly by all the 16 Justices.

2.40 As regards the composition of FCC, the delegation has noted that half of the 16 members are elected by the Bundestag and half by the Bundesrat. Bundestag and Bundesrat also take turns in determining the President and Vice-President of FCC. A two-thirds majority is required in both electoral bodies, and this procedure is intended to ensure that the composition of the Senates is well-balanced. No political party can impose a candidate. Instead, consensus across party lines must be reached. In order to allow the decision of FCC to profit from the particular judicial experience of the Justices, at least three members of each Senate must be elected from the Supreme Federal Courts (Federal Court of Justice, Federal Administrative Court, Federal Finance Court, Federal Labour Court and Federal Social Court). Anyone who is at least 40 years old and qualified to hold judicial office pursuant to the *German Judiciary Act* is eligible for election. The Justices are elected to serve a twelve-year term with a retirement age of 68. To ensure their independence, there is no re-election.

2.41 As a constitutional organ and unlike the regular courts, FCC is not subject to the administrative supervision of a ministry. The Plenary decides on basic organizational issues through its Budget and Staff Committee. The President of the Second Senate heads the administration

## Chapter 2 – Berlin

---

of FCC and represents it externally.

2.42 The delegation has also observed that FCC is not a political body but its work has political effect. This becomes particularly clear when FCC declares a law to be unconstitutional. The sole standard of review of FCC is the *Basic Law*. Questions of political expediency may not be taken into account by FCC. It merely determines the constitutional framework within which politics may develop.

### The Council of Elders

2.43 During its visit to the Bundestag, the delegation met with Ms Ulla SCHMIDT, Vice-President of the Bundestag and Member of the Council and has, among other things, an in-depth discussion with Ms SCHMIDT on the operation of the Council.

2.44 The delegation has noted that the Council is a cross-party, high-level deliberative body established to assist the President of the Bundestag in his or her work. It serves as a main forum where disputes among parliamentary groups are discussed and mediated, and it steers the work of the Bundestag. The Council is formed under Rule 6 of the Rules of Procedure of the Bundestag. It has 30 Members comprising the President of the Bundestag, the six Vice-Presidents and 23 other Members. Seats in the Council are distributed according to the relative strengths of the parliamentary groups in the Bundestag. At present, the composition of the Council include 15 members from the Christian Democratic Union/Christian Social Union, nine members from the Social Democratic Party, three members from The Left Party and three members from Alliance 90/The Greens. The parliamentary secretaries (i.e. whips) of all parliamentary groups are represented in the Council which meets regularly each week when the Bundestag is sitting. The Council's meetings are attended by a representative of the Federal Government, usually a Minister.

2.45 As advised by Ms SCHMIDT, one of the major functions of the Council is to assist the President of the Bundestag in scheduling the dates of the sittings of the Bundestag. The Council also determines the plenary's agenda for the coming week, which includes the items of business to be dealt with (e.g. bills, motions, interpellations, etc.). In

## Chapter 2 – Berlin

---

addition, it decides whether a debate is to be held on any of the points on the agenda, on the length of such a debate, and on its structure. The proposed agenda agreed by the Council are recommended to the plenary for adoption.



Meeting with Ms Ulla SCHMIDT, the Vice-President of the German Bundestag

2.46 The delegation has noted that the Council is the main forum for parliamentary groups to negotiate on issues and reach consensus. At the beginning of each electoral term, the Council is the place for parliamentary groups to decide on the allocation of chairmanships and deputy chairmanships of various committees. On the issues related to committee business, the President endeavors to achieve cross-party agreement to ensure the smooth functioning of the Bundestag. Issues for discussion may include committee schedules, the referral of bills to committees, items relating to legislation of the European Union, and issues relating to the rights of Members. Disputes that arise during plenary sittings between parliamentary groups are often settled at the Council's meetings.

2.47 The delegation has also noted that another major function of the Council is to take decisions on the internal business of the Bundestag,



## Chapter 2 – Berlin

---

except where such matters are reserved for the President or the Presidium<sup>12</sup>. For example, the Council prepares the Bundestag's budget, which funds the annual parliamentary operating cost. The Council also decides on the allocation of rooms to parliamentary groups, the general administration of facilities and services in the Bundestag, and issues relating to Members' staff. It has established five commissions to provide support on specific issues. These include Commission on the legal status of Members of the Bundestag, Commission on the allocation of rooms, Commission on matters relating to Members' personal staff, Commission on the use of new information and communication technologies and media, and Commission on the internal affairs of the Bundestag.

### Permanent committees

2.48 According to Rule 54 of the Rules of Procedure of the Bundestag, the Bundestag shall set up permanent committees for the preparation of its deliberations. It may set up special committees to deal with specific questions. The permanent committees are quite distinct from other bodies of the Bundestag with which they are sometimes confused, such as the MC, the Joint Committee and committees of inquiry. In the 18th electoral term, the Bundestag has set up 23 permanent committees<sup>13</sup>, including the CSEIRP.

2.49 During its visit in Berlin, the delegation attended a luncheon meeting with Dr Johann WADEPHUL, Member of the Bundestag and the Chairman of CSEIRP. The delegation exchanged views with Dr

---

<sup>12</sup> The President of the Bundestag, together with all the six Vice-Presidents, forms the Presidium. On top of presiding in plenary sittings and representing the Bundestag, members of the Presidium perform various administrative functions. For example, the Presidium approves the promotion of staff in the middle and upper management levels and concludes important contracts. It also handles issues relating to breaches of the code of conduct.

<sup>13</sup> They include the Committee on the Affairs of the European Union, Budget Committee, Committee on Cultural and Media Affairs, Defence Committee, Committee on the Digital Agenda, Committee on Economic Cooperation and Development, Committee on Economic Affairs and Energy, Committee on Education, Research and Technology Assessment, Committee on Environment, Nature Conservation, Building and Nuclear Safety, Committee on Family Affairs, Senior Citizens, Women and Youth, Finance Committee, Committee on Food and Agriculture, Committee on Foreign Affairs, Committee on Health, Committee on Human Rights and Humanitarian Aid, Committee on Internal Affairs, Committee on Labour and Social Affairs, Committee on Legal Affairs and Consumer Protection, Petitions Committee, Sports Committee, Committee on Transport and Digital Infrastructure, Committee on Tourism and the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure.

## Chapter 2 – Berlin

---

WADEPHUL on various issues including the recent development on matters relating to rules of procedure in the Bundestag.

2.50 According to Dr WADEPHUL, CSEIRP is responsible for the internal affairs of the Bundestag. CSEIRP performs three main functions, namely, dealing with any objections to the conduct of the federal elections, upholding Members' immunity, and serving as the referee of parliamentary procedures. CSEIRP is appointed to serve for the current parliamentary term (2013-2017) and comprises 14 members drawn from the parliamentary groups of the Bundestag. These include seven members from the Christian Democratic Union/Christian Social Union, five members from the Social Democratic Party, one member from The Left Party and one member from the Alliance 90/The Greens.



The delegation attend a luncheon meeting with Dr Johann WADEPHUL, Member of the Bundestag and the Chairman of the Bundestag's Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure

2.51 On electoral scrutiny, CSEIRP deals with any objection to the federal elections. Under Article 41 of the *Basic Law*, the responsibility for the scrutiny of the federal elections lies with the Bundestag. Any objection challenging the validity of a federal election can be lodged with the Bundestag within two months of polling day. The result of elections to the European Parliament can also be challenged. According to the *Scrutiny of Elections Act*, CSEIRP considers each objection individually

## Chapter 2 – Berlin

---

and may hear witnesses, experts and other persons concerned with the case. In response to each objection, CSEIRP submits a recommendation to the Bundestag for a decision stating the reasons for its position. A decision is then taken by the plenary.

2.52 On Members' immunity, under Article 46 of the *Basic Law*, Members may only be called to account or arrested for a punishable offence with the permission of the Bundestag, unless they are apprehended in the act of committing the offence or in the course of the following day. The immunity enjoyed by Members is to ensure that the Parliament is able to conduct its business at all times. CSEIRP is tasked to protect Members from unjustified criminal prosecution. It considers requests by the relevant authorities to arrest Members, or requests to search rooms used by a Member of the Bundestag. CSEIRP then submits a recommendation on each case to the plenary for a decision, which adopts it without debate.

2.53 On procedural matters, CSEIRP is tasked to consider any amendments to the rules of procedure for adoption by the Bundestag. CSEIRP has to reach an unanimous decision on all the amendments. CSEIRP is also responsible for settling procedural disputes. With the exception of procedural questions raised during plenary sittings which are resolved on a case-by-case basis by the President of the Bundestag, CSEIRP is the body responsible for interpreting the provisions of the rules of procedure. Pursuant to the rules of procedure, the President, a committee, a parliamentary group, a quarter of the members of CSEIRP, or 5% of the Members of the Bundestag may demand that a procedural ruling by the CSEIRP be submitted to the plenary for a decision.

2.54 Dr WADEPHUL advised the delegation that to respect the role of minority in the grand coalition, Bundestag has adopted special application of minority rights during the 18th electoral term. This includes lowering the threshold of setting up a committee of pursuant to Article 44 of the *Basic Law* from one quarter of Members of the Bundestag to 120. Under this arrangement, the opposition parliamentary groups (i.e. The Left Party and the Alliance 90/The Greens which have 127 Members in the Bundestag) may jointly request the setting up of a committee of inquiry. Furthermore, the number of members of the

## Chapter 2 – Berlin

---

committee of inquiry shall be calculated on the basis of the formula for distribution adopted by the Bundestag<sup>14</sup> in such a way as to ensure that one quarter of the Committee's members come from the opposition parliamentary groups. Other measures such as providing more question time for the opposition parliamentary groups are also implemented.

### **Federal Ministry of the Interior**

2.55 During the delegation's visit to FMI, Dr Ole SCHRÖDER, Member of the Bundestag and Parliamentary State Secretary of FMI, has informed the delegation that FMI has the main responsibility of protecting the nation's internal security and the safety of its citizens. Besides, it is also responsible for the civil service and sports promotion, and is in charge of the protocol for state visits and official festivities. Based in Berlin and Bonn, FMI oversees the operations of a number of subordinate agencies, which include the Federal Police, the Federal Criminal Police Office and the Federal Office for the Protection of the Constitution. FMI is headed by the Federal Minister of the Interior and assisted by two State Secretaries, two Parliamentary State Secretaries and three Commissioners. The two State Secretaries are tasked to ensure that the work and projects implemented are in line with the Minister's direction and guidance.

2.56 The delegation has also been informed that the role of the Parliamentary State Secretaries is to help the Minister carry out his duties. In particular, the Parliamentary State Secretaries work to maintain good relations with the Bundestag and the Bundesrat as well as their committees, with the parliamentary groups and their task forces, and with the political parties. The Parliamentary State Secretaries must be elected Members of the Bundestag and are appointed by the President at the recommendation of the Federal Chancellor in consultation with the Minister.

---

<sup>14</sup> Bundestag Printed paper 18/212.

## Chapter 2 – Berlin

---



Visit to the Federal Ministry of the Interior

### Federal Ministry for Foreign Affairs

2.57 The delegation met with Dr Markus EDERER, State Secretary of FFO, and Mr Peter PRUGEL, Ambassador and Regional Director for Asia and the Pacific during the visit. The delegation has been informed that FFO is a federal agency responsible for both Germany's foreign affairs and its relationship with the EU. Headquartered in Berlin, it has a network of 229 missions abroad<sup>15</sup>. Germany's foreign policy agenda revolves around European and transatlantic partnership, peace building, managing globalization, promoting human rights and humanitarian aids.

2.58 As advised by Dr EDERER, FFO is headed by the Federal Minister for Foreign Affairs and assisted by two Ministers of State and two State Secretaries. The two Ministers of State support the Minister in the performance of his official duties, and they assume mainly political functions. Meanwhile, the two State Secretaries are the highest-ranking civil servants in the FFO. Several coordinators and commissioners are appointed to handle specific tasks, such as transatlantic cooperation and the fight against Ebola virus.

---

<sup>15</sup> The 227 German missions abroad are divided into 153 embassies, 61 consulates-general and consulates, 12 permanent missions and one other mission.

## Chapter 2 – Berlin

---

2.59 The delegation also shared with Dr EDERER and Mr PRUGEL the recent political development in Hong Kong. The delegation has noted that the German Government's view on the recent "Umbrella Movement" is that people in Hong Kong have peacefully expressed their views in a well-behaved manner in general, and the civilized way of expression of Hong Kong people was highly regarded in this Movement. German officials regarded that the reaction of the Police in Hong Kong in the Movement was generally moderate, and it was not easy to maintain law and order.



Meeting with Dr Markus EDERER, the State Secretary of the Federal Foreign Office and Mr Peter PRUGEL, Ambassador and Regional Director for Asia and the Pacific

### **German-Chinese Parliamentary Friendship Group of the Bundestag**

2.60 During its visit to the Bundestag, the delegation met with Mr Cem ÖZDEMİR, Member of the Bundestag and the Vice-Chairman of the Friendship Group as well as two Members of the Bundestag, namely, Ms Antje LEZIUS of the Christian Democratic Union/Christian Social Union and Mr Ewald SCHURER of the Social Democratic Party. The delegation has noted that 54 bilateral and multilateral parliamentary friendship groups have been established in the Bundestag to cultivate relations with its other parliaments. These friendship groups promote ongoing dialogue with the parliamentary institutions of partner states,

## Chapter 2 – Berlin

---

which involves exchanges of information and opinions with Members of other parliaments. In parallel to these discussions with their peers, the groups also organize meetings with government and civil society representatives. These parliamentary friendship groups are formed on a cross-party basis and do not have statutes or rules of procedure of their own. Only Members of the Bundestag may join the parliamentary friendship groups, and no Member is allowed to join more than three groups.

2.61 The delegation has noted that Germany maintained its support for the one-China-principle in its operation of the Council; it therefore has no official contacts with Taiwan. The Bundestag, on the other hand, has a Berlin-Taipei Parliamentary Circle of Friends, which allows the exchange of opinions and information at parliamentary level. Various issues would be raised in the Council, including the relationship between China and Hong Kong.



Meeting with Mr Cem ÖZDEMİR, Member of the German Bundestag and the Vice-Chairman of the Bundestag's German-Chinese Parliamentary Friendship Group and Ms Antje LEZIUS, Member of the German Bundestag

## Chapter 2 – Berlin

---

### Parliamentary Relations and Language Services of the Bundesrat

2.62 During its visit to the Bundesrat, the delegation met with Mr Claus KOGGEL, Head of Division for Parliamentary Relations and Language Services of the Bundesrat. According to Mr KOGGEL, the Division works to foster relations between the Bundesrat and other parliaments in Germany and abroad, as well as with parliamentary organizations. The Division's work also involves preparatory work for official visits by parliamentary delegations from other countries. Cultivating the Bundesrat's parliamentary relations, which are becoming much more diverse and intensive as a result of globalization, forms an important part of the work done by this Division.



Meeting with Mr Claus KOGGEL, Head of Division for Parliamentary Relations and Language Service of the Bundesrat

### Tour of the Reichstage Building and Bundesrat Building

#### Reichstag Building

2.63 Staff of the Public Relations Division of the Bundestag conducted a tour of the Reichstag Building for the delegation. As advised, the Bundestag in Bonn decided in June 1991 by 380 votes to 320 to return to the Reichstag Building in Berlin. Following a competition, British Architect Sir Norman Foster was commissioned to reconstruct the



## Chapter 2 – Berlin

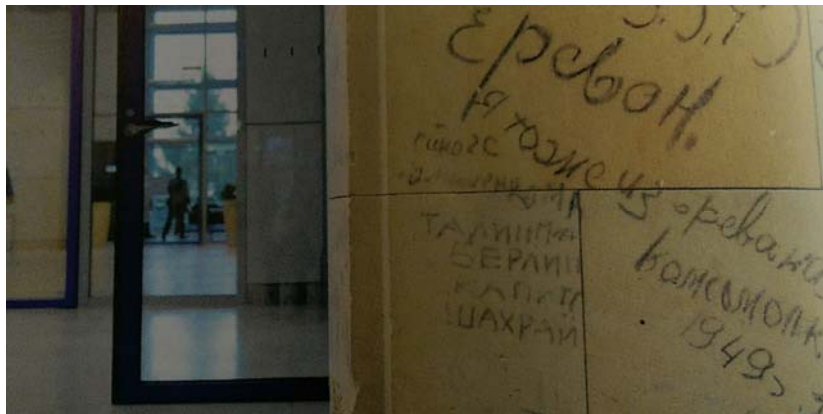
---

building. The wish for a modern parliament in the historic Reichstag Building determined the way in which the building was redesigned with architecture, functionality and ecology united to form a harmonious trinity. Extensive use of glass has also enhanced the transparency in this redesigned building. The Bundestag moved from Bonn to Berlin in the summer of 1999.



Visit to the glass dome in the Reichstag building

2.64 Respect for the historic aspects of the Reichstag Building was one of the conditions stipulated to the Architect, so traces of historical events were retained in a visible state. The delegation has noted that visitors to the building can still see the graffiti on walls inside the Building made by Soviet army during World War II, which was preserved during the reconstruction after reunification.



## Chapter 2 – Berlin

---

### Bundesrat Building

2.65 Staff of the Division for Parliamentary Relations of the Bundesrat conducted a tour of the Bundesrat Building for the delegation. As advised, the Bundesrat began its work in the Building in September 2000 following the decision to transfer the Bundesrat from Bonn to Berlin in a reunited Germany. The Building is the former House of Lords of the Prussian parliament. Architect Peter Schweger was commissioned to redesign the building. Transparency is of the utmost importance in the design, which offers clear sightlines into the Chamber from all sides.



Visit to the Bundesrat Building which is formerly the House of Lords of the Prussian parliament

## Chapter 2 – Berlin

---

### Hong Kong Economic and Trade Office in Berlin

2.66 The delegation also visited the HKETO, and was informed of its work. As advised by Ms Betty HO, Director of HKETO in Berlin, her office is the official representation of the Hong Kong Special Administrative Region ("HKSAR") to eight central and eastern European countries. Its mission is to promote bilateral ties, particularly as regards economic, trade, investment and cultural matters, between HKSAR and Germany, as well as Austria, the Czech Republic, Hungary, Poland, the Slovak Republic, Slovenia and Switzerland. Members of the delegation appreciate the efforts and contributions made by HKETO in promoting Hong Kong's economic and trade interests in central and eastern European countries.



Visit to the Hong Kong Economic and Trade Office in Berlin

## Chapter 3 – Bremen

---

### Visit programme

3.1 The delegation was transferred to Bremen on 4 March 2015. During its visit in Bremen from 4 to 6 March 2015, the delegation met with Mr Christian WEBER, President of the Bremen Parliament, and held a discussion with Mr Frank PIETRZOK, Parliamentary Manager of Social Democratic Party of the Bremen Parliament. The delegation also met with Ms Birgitt RAMBALSKI, Director for Protocol and Foreign Affairs of the Senate Chancellery and Mr Christian GUTSCHMIDT, Head of the Foreign Trade and International Economic Relations Office to the Senator for Economic Affairs, Labour and Ports. Ms RAMBALSKI accompanied the delegation through out its visit.

3.2 The delegation also visited the Bremen Statistical Office to meet with Mr Jürgen WAYAND, Returning Officer of Bremen. In addition, the delegation met with Mr Jan BEMBENNEK, Desk Officer for Mobility Management to the Senator for the Environment, Construction and Transport, and attended a meeting with Ms Heike BLANCK, the representative of a youth advisory council, and Mr Sebastian ELLINGHAUS, Deputy Head of the Regional Centre for Civic Education.

3.3 Delegation members also attended a dinner given by representatives of the State Chancellery. The dinner was also attended by two academics, namely Professor Lothar PROBST, political scientist at the University of Bremen, and Professor Dominic SACHSENMAIER, Professor of Modern Asian History at the Jacobs University.

3.4 Through these meetings and briefings, the delegation gained an in-depth understanding of the constitutional and political developments in Bremen, its electoral system and parliamentary services. The delegation was also briefed on the instruments facilitating civic participation at the parliamentary and district levels, and Bremen's experience in formulating the methods to engage young people in public and political affairs. The delegation also learnt about the significance of Bremen as a business centre in Germany.

## Chapter 3 – Bremen

---

### Overview of the political system of Bremen

3.5 The delegation has met with Mr Christian WEBER, President of the Bremen Parliament and Mr Frank PIETRZOK, Parliamentary Manager of Social Democratic Party of the Bremen Parliament during the visit in Bremen.

#### Federal State of Bremen

3.6 The delegation has learnt that the federal state of Bremen consists of cities of Bremen and Bremerhaven. It is one of 16 states of the Federal Republic of Germany. Bremen enjoys the autonomy of municipalities as stipulated in the *Basic Law*<sup>16</sup>. The executive is constituted by the Senate of Bremen elected by the citizens' assembly. The Senate is chaired by the President of the senate who is elected directly by the citizens' assembly. The President is also one of the mayors of the city of Bremen. In contrast to the Federal Chancellor of Germany or other German states, the President of the Senate has no authority to override senators on policy which is decided upon by the senate collectively. Since 1945, the Senate has continuously been dominated by the Social Democratic Party.

3.7 On a municipal level, the two cities in the state are administered separately. The administration of the city of Bremen is headed by the two mayors and controlled by the portion of the Bürgerschaft elected in the city of Bremen. Bremerhaven, on the other hand, has a municipal assembly distinct from the state legislature and an administration under a distinct head mayor and a distinct second mayor. The population of the state is 660 000.

#### The Bremen Parliament

3.8 The Bremen Parliament is the Legislative Branch of the federal state of Bremen. It is responsible for, among other things, (a) scrutinizing and passing legislation, (b) electing the members of the Senate to govern Bremen, and (c) overseeing the government. The Bremen Parliament is made up of 83 Members elected under the proportional representation system. Among them, 68 are returned from

---

<sup>16</sup> Article 28 of the Basic Law.

## Chapter 3 – Bremen

---

the city of Bremen and 15 from the city of Bremerhaven. The composition of the Bremen Parliament is as follows:

- (a) Social Democratic Party – 35 members;
- (b) Alliance 90/The Greens – 21 members;
- (c) Christian Democratic Union – 20 members;
- (d) The Left Party – five members; and
- (e) Citizens in Rage – two members.

The Social Democratic Party forms a governing coalition with the Alliance 90/The Greens.



Meeting with Mr Christian WEBER,  
the President of the Bremen Parliament

3.9 At the first meeting of each four-year parliamentary term, the Bremen Parliament elects six deputies to form the Board to support its conduct of business. While the President of Parliament is the ex-officio chairman of the Board, the composition of other Board members reflects the relative strengths of different parliamentary groups in Parliament.

## Chapter 3 – Bremen

---

3.10 The Board of the Bremen Parliament is entrusted with major responsibilities to prepare the agendas for plenary meetings of Parliament, and provide administrative support and information services to Parliament. The major responsibilities of the Board include:

- (a) deliberating on issues relating to specific policy areas;
- (b) giving views on legislative and financial proposals before their formal introduction into Parliament;
- (c) examining important issues as referred by Parliament or as raised on the committee's own initiatives; and
- (d) considering the reports of the Auditors of the federal state of Bremen on the state's public accounts.

### Election of city and state legislature of Bremen

3.11 The delegation has met with Mr Jürgen WAYAND, Returning Officer of Bremen and learnt that the upcoming Bremen state election will be held on 15 May 2015 to elect the city and state legislature. All Germans who have lived in Bremen for at least three months prior to the election are eligible to vote. As of the last election, the voting age is 16, whereas the right to be elected is attained at 18.

3.12 The delegation has noted that information on all eligible voters will be automatically entered into the electoral register of their constituency if they have registered their address with the responsible registration authority in Germany. Each voter may choose to vote at a polling station or vote by mail. The voter's notification sent to every eligible voter includes an application form for a polling card to vote by mail. With this polling card, voters may cast their votes at a different polling station in their constituency other than the one indicated in the voter's notification or they may vote by mail. This arrangement is similarly adopted in the elections of other states.

## Chapter 3 – Bremen

---



Briefing by Mr Jürgen WAYAND, the Returning Officer of Bremen

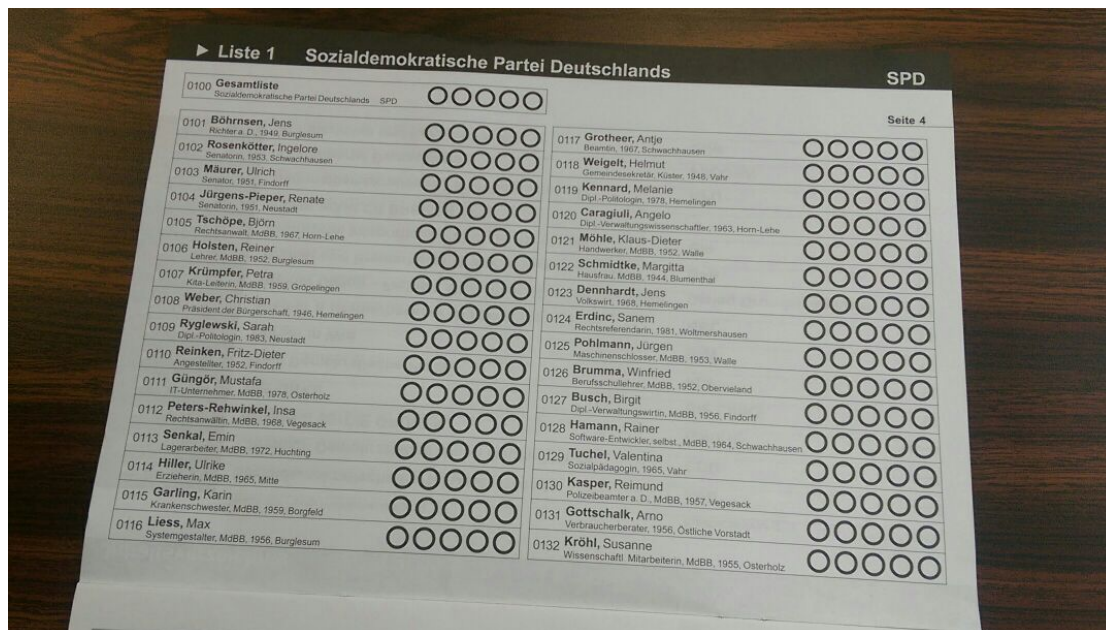
3.13 Bremen has adopted a new electoral system as of 2011 to combine two-vote system (i.e. one for individual candidates and one for party's list) commonly adopted in Germany. Under the new arrangement, each voter may distribute five votes among party lists or individual candidates. Following the election in 2011, the Social Democrats and the Greens continued their coalition government which was formed in the previous legislative period.

3.14 The Bremen Statistical Office will issue a report following each election. Results of the election, together with analysis on data collected in the election, will be provided in the report.

3.15 The delegation noted that the turnout rate of election in Bremen is decreasing over the past decades. According to the report for 2011 election, the turnout rate has decreased from a 85% high in 1955 election to around 55% in 2011 election.



## Chapter 3 – Bremen



Ballot paper for Bremen state election in 2011 (12 pages in total)

### Civic participation in policy decision making process

3.16 The delegation has met with Mr Jan BEMBENNEK, Desk Officer for Mobility Management to the Senator for the Environment, Construction and Transport and learnt that traffic and transport planning has a long tradition in Germany. Using the Sustainable Urban Mobility Plan ("SUMP") Bremen 2025 as an example, Mr BEMBENNEK briefed the delegation on the civic participation, stakeholder involvement and the parliamentary process in Bremen.

3.17 In spite of existing cycling strategy and legislation on air quality, there is a lack of comprehensive approach to SUMP at federal level and no legal obligation for a comprehensive urban mobility plan exists. SUMP is a new planning concept that addresses transport-related challenges and problems of urban areas in a more sustainable and integrative way. It is a strategic plan designed to satisfy the mobility needs of people and businesses in cities and their surroundings for a better quality of life, both today and in the future. In contrast to traditional transport planning approaches, SUMP places particular emphasis on the involvement of citizens and stakeholders, the coordination of policies between sectors (transport, land use, environment, economic development, social policy, health, safety, energy, etc.), between authority levels and between neighboring authorities.

## Chapter 3 – Bremen

---

3.18 The delegation has noted that it took two years from October 2012 to September 2014 to complete the process of formulating and confirming the parliamentary initiative of SUMP. The whole process can be divided into five stages including (a) defining the objectives of SUMP; (b) conducting Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis; (c) conducting scenario analysis; (d) conducting cost-benefit-analysis; and (e) putting SUMP to Parliament for adoption. Twenty two elected district councils of Bremen are involved in the formation of SUMP. Stakeholders including chamber of commerce, railway companies, emergency services providers etc. were consulted at each stage. Public participation included holding local town hall meetings in every city district and participatory exhibitions in shopping centres. Online consultation and survey were also conducted for the public to express views.

3.19 As advised by Mr BEMBENNEK, the delegation has noted that good participation will inevitably create a lot of work, especially communication, but will certainly increase the quality of the public process. However, there may also be a risk of bias because participation is not necessarily representative for the population as certain parts of the population tend to be underrepresented.



Meeting with Mr Jan BEMBENNEK, the Desk Officer for Mobility Management to the Senator for the Environment, Construction and Transport and Ms Birgitt RAMBALSKI, Director for Protocol and Foreign Affairs at the State Chancellery of the Free Hanseatic City of Bremen

## Chapter 3 – Bremen

---

### Engaging young people in public and political affairs

3.20 The delegation has met with Ms Heike BLANCK, the representative of a youth advisory council, and Mr Sebastian ELLINGHAUS, Deputy Head of the Regional Centre for Civic Education on engaging young people in public and political affairs.

3.21 The Bremen Regional Centre for Civic Education is one of 16 Regional Centres for Civic Education which are independent cooperation partners of the Federal Agency for Civic Education on the state level. Their projects range from language tuition, integration through sports, integration into vocational training schemes and employment to material provision on selected topics. The Federal Agency for Civic Education promotes awareness for democracy and participation in politics in order to enable people to have differentiated views about political and social issues and play an active part in political life. The Agency has set up a department dedicated solely to developing and testing new approaches to reach young people with low political affinity.

3.22 The delegation has noted that one of the measures adopted in engaging young people in public affairs is the establishment of Young Advisory Councils at district level. Seven districts of Bremen have set up their Youth Advisory Councils since 2010. These Councils are elected directly by the young people. These Youth Councils have their own budget (€2,500 to €10,000 depending on the size of the respective districts) to run different projects initiated by young people with the support of the district administration. Competitions would be held in some districts in which young people submit proposals to the Youth Advisory Councils to decide whether the proposals can be implemented. The Youth Advisory Councils would also cooperate with different parties such as secondary schools to develop projects which suit the young people's interest. Ms BLANCK gave examples of building swimming pool and including a skateboarding area in a park facilities improvement project to illustrate how young people are engaged in these public projects.

3.23 The delegation has also noted that junior election is introduced since 1999 for students from the 7<sup>th</sup> grade to practise and experience democracy. Through the simulation of the electoral process which is parallel to state elections, young people can become more familiar with

## Chapter 3 – Bremen

---

the processes of democratic decision-making, and would prepare them for their participation in the political system of the Federal Republic of Germany. The next junior election in Bremen will be held on 10 May 2015, five days before the Bremen state election on 15 May 2015.

### **Bremen as a business location**

3.24 Mr Christian GUTSCHMIDT, Head of the Foreign Trade and International Economic Relations Office to the Senator for Economic Affairs, Labour and Ports, gave a briefing to the delegation on Bremen as a business location.

3.25 The delegation has noted that Bremen has always been a thriving port and one of the centres of Germany's foreign trade, as well as a high-tech and innovative metropolis. It ranks 5<sup>th</sup> among Germany's dynamic industrial cities. In Bremen, the aeronautical, wind energy, maritime and logistic industries are actively supported as clusters of innovation, and are regarded as key economic branches. Multi-national corporations and medium sized local businesses show scope and strength. Medium sized businesses in Bremen are counted as global market leaders in many economic branches.

3.26 The delegation has noted that ports and industry are the backbone of Bremen's economy. The ports in Bremerhaven yield record cargo handling such as 5.5 million containers and around 2 million loaded vehicles annually. It is the 4<sup>th</sup> biggest container port in Europe with world ranking of 21<sup>st</sup>.

3.27 As the fifth-largest German industrial location, Bremen has attracted many large companies to set up their bases there. Daimler AG, for instance, has expanded its plant in Bremen to become the second-largest German production site in the group. Mercedes-Benz has also set up Europe's second-largest production plant in Bremen.

## Chapter 3 – Bremen

---



Meeting with Mr Christian GUTSCHMIDT, the Head of the Foreign Trade and International Economic Relations Office to the Senator for Economic Affairs, Labour and Ports

3.28 The delegation has noted that Bremen is the first city in Germany to achieve the title "City of Science". Bremen is also home of the University of Applied Sciences, one of the leading research universities in northern Germany with more than 60 courses of study in all scientific disciplines and six special research areas run by the German Research Association. Together with innovative new businesses and well-established companies, this makes up a fertile ground for Bremen to grow and consolidate its position as "high-tech city".

### **Tour of the Bremen Town Hall and Bremen Parliament House**

#### Bremen Town Hall

3.29 Ms Birgitt RAMBALSKI, Director for Protocol and Foreign Affairs at the State Chancellery of the Free Hanseatic City of Bremen conducted a tour of the Bremen Town Hall for the delegation. As advised, the Town Hall is the meeting venue for the City Council. The Hall was erected 600 years ago and has been preserved almost unchanged. In early 20<sup>th</sup> century, the City Council commissioned Munich architect Gabriel von Seidl to add an annex to the Town Hall in order to provide more space for the City Hall. The project succeeded skillfully in combining the

## Chapter 3 – Bremen

---

old with the new harmoniously. The delegation has noted that on 2 July 2004, the United Nations Educational, Scientific and Cultural Organization added the Town Hall to the World Heritage List.



Visit to the Bremen Town Hall



Visit to the Bremen Town Hall

## Chapter 3 – Bremen

---

### Bremen Parliament House

3.30 Mr Christian WEBER, President of the Bremen Parliament conducted a tour of the Bremen Parliament House for the delegation. As advised, the official opening of the Bremen Parliament House was in September 2011, marking the 120-year development for the state legislature. It has a frame construction of iron-reinforced concrete and a sheathing of glass hung in front of the construction. The facade of the Parliament House reflects the old building in the mirror-like surface of the glass sheathing which links the Parliament House with the older buildings surrounding the historic market square. The hexagonal assembly room forms the center of the building.



Visit to the Bremen Parliament House

## Chapter 3 – Bremen

---



Briefing by Mr Christian WEBER, the President of the Bremen Parliament in the Assembly Hall of the Bremen Parliament House



## Chapter 4 – Observations and conclusions

---

### General

4.1 The delegation is of the view that the information obtained during the visit on the operation, practices and procedures of the Bundestag and the Bundesrat as well as the Bremen parliament has provided useful experience for the LegCo in Hong Kong. The observations of the delegation are set out in the ensuing paragraphs.

### Observations

#### Consensual political culture

4.2 The delegation has observed that the historical experience of Germany played a major role in shaping its constitution, *the Basic Law for the Federal Republic of Germany*. Considering Germany's experience with dictatorial rule during its history, the design of the *Basic Law* has sought to create safeguards against the emergence of either an overly fragmented democracy, or authoritarian institution such as the Nazi dictatorship.

4.3 Against this historical background, the *Basic Law* seeks to create a government under which power is dispersed. Intricate system of checks and balances governing the interaction among different organs of the government is stipulated in the *Basic Law*. For example, the autonomy of federal state governments and their powers have been strengthened under the *Basic Law* as a check on the power of the federal government. The *Basic Law* provides the Bundesrat with a right of veto on legislation affecting the interests of the federal states. In case of a veto, the Mediation Committee, consisting of 16 members of the Bundestag and 16 members of the Bundesrat has to find a consensus. The Federal Constitutional Court is also founded to ensure the *Basic Law* is obeyed.

4.4 A complex electoral system is adopted in Germany to allow for a proportional distribution of seats and the participation of new political parties in the Bundestag if they can obtain 5% of the votes on the party's list. Under this electoral system, the delegation has noted that it would be difficult for a single political party to win an absolute majority of seats in the Bundestag. Several political parties have to cooperate to form a coalition in order to achieve a majority in the Bundestag. The

## Chapter 4 – Observations and conclusions

---

delegation has also observed that the electoral system, despite its complexity, is widely accepted by different political parties in Germany.

4.5 The delegation has also observed that political parties play a very important constitutional role in election campaigns. The *Act on Political Parties* provides a legal framework to regulate different sectors of the party system, including designation and internal organization, equal treatment, principles and the extent of state funding, rendering of accounts and the implementation of the ban on unconstitutional parties, which is important for the development of political parties in Germany.

4.6 Different parties which the delegation met during the visit have emphasized that "communication", "consensus" and "consent" are the most important factors in a successful political decision making process in Germany. Different platforms have been set up to facilitate the compromise process. The establishment of the Mediation Committee (*paragraphs 2.31 to 2.37 of the Report*) between the Bundestag and Bundesrat in resolving disputes in legislative process, the Council of Elders (*paragraphs 2.43 to 2.47 of the Report*) in the Bundestag and the Board of the Bremen Parliament (*paragraph 3.10 of the Report*) are examples of these platforms. The proceedings of these platforms are kept confidential. The delegation considers this arrangement reasonable, or otherwise Members would be unable to reach compromises with each other and would be put under pressure by their respective state governments or political parties to refuse to make concessions on particular issues.

4.7 The delegation appreciates the importance of the Council of Elders in maintaining effective operation of Bundestag. The Council of Elders is a cross-party, high-level deliberative body established to assist the President of the Bundestag in his or her work, and serves as a main forum where disputes among parliamentary groups are discussed and mediated, and it steers the work of the Bundestag. The Board of the Bremen Parliament also carries similar functions. In the early 2000s, political parties in LegCo have organized the "eight-party coalition" which has successfully worked together to resolve some issues. The delegation considers that political parties in Hong Kong may make reference to the experience in the operation of the Council of Elders in the Bundestag to reorganize the party coalition in Hong Kong.

## Chapter 4 – Observations and conclusions

---

4.8 The delegation has also observed that the role of minority is duly respected in the grand coalition in the German Parliament. For example, the six Vice Presidents of the Bundestag are affiliated to different political parties and all of them are members of the Council of Elders. Special respect of minority rights is adopted in the Bundestag by lowering the threshold under Article 44 of the *Basic Law* so that the minority in the Bundestag may request the setting up of committees of inquiry. These examples illustrate the feature of consensual political cultural, which is in contrast to "winners takes all" competitive politics in other countries.

### Engaging young people in public and political affairs

4.9 The delegation observes that Germany has made great efforts in involving young people in social and political affairs as political apathy of young people can bring about stagnation to the social and political development of the nation.

4.10 During the visit to Bremen, the delegation has observed that the turnout rate in Bremen state election has dropped from 85% in 1955 to 55% in 2011. The situation is alarming and deserves attention. The establishment of youth advisory councils at district level of Bremen allows young people to elect representatives among themselves to the Council and provide them with their own budget ranging from €2,500 to €10,000 to run their projects. This has proven to be successful in engaging young people in public and political affairs. The delegation considers that it is a worthwhile model for Hong Kong.

### Political situation in Hong Kong

4.11 The delegation has noted that the German Government's view on the recent "Umbrella Movement" is that people in Hong Kong have peacefully expressed their views in a well-behaved manner, and the civilized way of expression of Hong Kong people was highly regarded in this Movement. German officials regarded that the reaction of the Police in Hong Kong was generally moderate, and it was not easy to maintain the law and order.

## Chapter 4 – Observations and conclusions

---

### Other issue

4.12 The delegation has noted that the German Parliament passed a bill on 6 March 2015 requiring listed companies to give 30% of supervisory board positions to women starting from next year with a view to enhancing the board diversity. The delegation leader has referred to this and asked a question in LegCo on the proportion of female members on boards of directors of listed companies and the appointment rate of women to government advisory and statutory in Hong Kong.

### **Conclusions**

4.13 The delegation considers the visit very rewarding. It has enabled members to gain a clearer understanding of the mechanism, operation, practices and procedures of the political system in Germany. Members appreciate that due to fundamental differences and dissimilarities in political background, tradition and situation, the experience of German political system may not be relevant or readily transferrable to Hong Kong, but its experience in political party redevelopment, civil participation and engagement of young people in social and political affairs is useful reference for Hong Kong.

4.14 The delegation is particularly impressed by the consensual political culture in Germany and the mechanism devised (e.g. the Mediation Committee, the Council of Elders, the Federal Constitutional Court etc.) to achieve "win-win" situation in decision making process. It will certainly serve as useful references for the political development in Hong Kong.

4.15 Finally, members believe that the visit has enhanced the friendship between German Government and LegCo. The delegation has been warmly received throughout the visit. Through meetings with various parties, including Members, government officials and academics, the delegation has fostered better mutual understanding and made a start for their further exchanges on issues of common concerns.

## **Acknowledgements**

The delegation wishes to thank the German Government to invite the delegation of the Legislative Council of the Hong Kong Special Administrative Region to visit Germany. It is the first time the Council has been invited to send a delegation to visit an overseas government.

The delegation wishes to thank with Ms Ulla SCHMIDT, the Vice-President of the German Bundestag, and Mr Christian WEBER, the President of the Bremen Parliament, for meeting with the delegation and sharing their experience in the operation of political and electoral system of Germany. The delegation wishes to also thank all the Members of the Bundestag, Members of the Bundesrat, Members of the Bremen Parliament, government officials, academics as well as parliamentary staff with whom the delegation met during its visit for their detailed briefings for the delegation and the useful exchanges of views and information with the delegation.

The delegation would like to thank, in particular, Mr Nikolaus COUNT LAMBSDORFF, Consul General of Germany in Hong Kong, and Mrs Anna BARTELS, Deputy Consul General of Germany in Hong Kong for their work in organizing this visit and arranging a comprehensive visit programme for the delegation as well as making the logistical arrangements.

## Acronyms and abbreviations

<b>Basic Law</b>	Basic Law for the Federal Republic of Germany
<b>CSEIRP</b>	Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure
<b>FCC</b>	Federal Constitutional Court
<b>FFO</b>	Federal Foreign Office
<b>FMI</b>	Federal Ministry of the Interior
<b>HC</b>	House Committee
<b>HKETO</b>	Hong Kong Economic and Trade Office
<b>HKSAR</b>	Hong Kong Special Administrative Region
<b>MC</b>	Mediation Committee
<b>SUMP</b>	Sustainable Urban Mobility Plan
<b>the Bundesrat</b>	the Upper House of the German Parliament
<b>the Bundestag</b>	the Lower House of the German Parliament
<b>the Council</b>	Council of Elders
<b>the Friendship Group</b>	Parliamentary Friendship Group
<b>the Parliament</b>	Federal Parliament of Germany
<b>the Subcommittee</b>	Parliamentary Liaison Subcommittee

## Appendix

### Parliamentary Liaison Subcommittee

#### Delegation of the Legislative Council to visit Germany (1 to 6 March 2015)

<b>1 March 2015 (Sunday)</b>	
Afternoon	Departure from Hong Kong
<b>2 March 2015 (Monday)</b>	
Morning	Arrival at Berlin, Germany
Afternoon	Meeting with Dr Ole SCHRÖDER, Member of the German Bundestag (lower House of the German Parliament) and Parliamentary State Secretary of the Federal Ministry of Interior
Afternoon	Meeting with Dr Henner Jörg BOEHL, Head of Division for Election Law and Political Party Law of the Federal Ministry of Interior
Evening	Invitation to evening programme by the Hong Kong Economic and Trade Office, Berlin
<b>3 March 2015 (Tuesday)</b>	
Morning	Tour of the Reichstag Building
Morning	Meeting with Mr Cem ÖZDEMİR, Vice-Chairman of the German-Chinese Parliamentary Friendship Group of the German Bundestag and members of the Group
Noon	Lunch meeting with Dr Johann WADEPHUL, Chairperson of the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure of the German Bundestag and members of the Committee

Afternoon	Meeting with Dr Markus EDERER, State Secretary of the Federal Foreign Office
<b>4 March 2015 (Wednesday)</b>	
Morning	Tour of the Bundesrat Building (upper House of the German Parliament)
Morning	Meeting with Mr Claus KOGGEL, Head of Division for Parliamentary Relations and Language Services of the German Bundesrat
Afternoon	Meeting with Ms Ulla SCHMIDT, Vice-President of the German Bundestag, Member of the Council of Elders
Afternoon	Depart for Bremen, Germany
Evening	Dinner with Ms Birgitt RAMBALSKI, Director for Protocol and Foreign Affairs
<b>5 March 2015 (Thursday)</b>	
Morning	Meeting with Mr Christian GUTSCHMIDT, Head of the Foreign Trade and International Economic Relations Office to the Senator for Economic Affairs, Labour and Ports
Morning	Tour of the Bremen City Hall
Morning	Meeting with Mr Jan BEMBENNEK, Desk Officer for Mobility Management to the Senator for the Environment, Construction and Transport
Morning	Meeting with Ms Heike BLANCK, representative of a youth advisory council, Mr Sebastian ELLINGHAUS, Deputy Head of the Regional Centre for Civic Education



Afternoon	Meeting with a parliamentary manager of a party represented in the Bremen Parliament
Afternoon	Meeting with Mr Christian WEBER, President of the Bremen Parliament
Evening	Dinner with Prof Lothar PROBST, academic in politics, University of Bremen and Prof Dominic SACHSENMAIER, Professor of Modern Asian History, Jacobs University
<b>6 March 2015 (Friday)</b>	
Morning	Meeting with Mr Jürgen WAYAND, Returning Officer of Bremen
Afternoon	Depart for Hong Kong

立法會 CB(4)1064/14-15 號文件附錄 II  
Appendix II to LC Paper No. CB(4)1064/14-15

2015 年 6 月 24 日(星期三)  
立法會會議席上

劉慧卿議員就  
"立法會代表團前往德國訪問的報告"  
動議的議案

議案措辭

"本會察悉立法會代表團於 2015 年 3 月 1 日至 6 日前往德國訪問的報告。"

(Translation)

**Motion on**  
**"Report on the Visit of the Delegation of the Legislative Council to**  
**Germany"**  
**to be moved by Hon Emily LAU Wai-hing**  
**at the Legislative Council meeting**  
**of Wednesday, 24 June 2015**

**Wording of the Motion**

"That this Council notes the Report on the Visit of the Delegation of the Legislative Council to Germany from 1 to 6 March 2015."