

立法會
Legislative Council

Ref : CB4/HS/2/20

LC Paper No. CB(4)1194/20-21
(These minutes have been seen
by the Administration)

**Subcommittee on Decision of the National People's Congress on Improving
the Electoral System of the Hong Kong Special Administrative Region**

**Minutes of the first meeting
held on Friday, 26 March 2021, at 8:30 am
in Conference Room 1 of the Legislative Council Complex**

- Members present** : Hon Martin LIAO Cheung-kong, GBS, JP (Chairman)
Hon CHEUNG Kwok-kwan, JP (Deputy Chairman)
Hon Tommy CHEUNG Yu-yan, GBS, JP
Hon CHAN Hak-kan, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Frankie YICK Chi-ming, SBS, JP
Hon MA Fung-kwok, GBS, JP
Hon Alice MAK Mei-kuen, BBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Wilson OR Chong-shing, MH
Dr Hon CHENG Chung-tai
- Members attending** : Hon CHUNG Kwok-pan
Hon SHIU Ka-fai, JP
- Public Officers attending** : Mr Erick TSANG Kwok-wai, IDSM, JP
Secretary for Constitutional and Mainland Affairs
- Mr Roy TANG Yun-kwong, JP
Permanent Secretary for Constitutional and Mainland Affairs
- Mr Kenneth NG King-tsun
Political Assistant to Secretary for Constitutional and Mainland
Affairs

Clerk in attendance : Ms Joanne MAK
Chief Council Secretary (4) 7

Staff in attendance : Mr Bonny LOO
Senior Assistant Legal Adviser 3

Mr Raymond SEZTO
Senior Council Secretary (4) 6

Mr Dennis HO
Senior Council Secretary (4) 7

Ms Louisa YU
Legislative Assistant (4) 7

Action

I. Election of Chairman

Election of Chairman

Mr Tommy CHEUNG, the member who had the highest precedence in Council among members present, presided over the election of the Chairman. He invited nominations for the chairmanship of the Subcommittee. Mr Martin LIAO was nominated by Ms Alice MAK and the nomination was seconded by Mr Frankie YICK. Mr Martin LIAO accepted the nomination.

2. As there was no other nomination, Mr Tommy CHEUNG declared Mr Martin LIAO elected as the Chairman of the Subcommittee. Mr Martin LIAO then took the chair.

Election of Deputy Chairman

3. Members agreed to elect a Deputy Chairman of the Subcommittee. The Chairman invited nominations for the deputy chairmanship of the Subcommittee. Mr CHEUNG Kwok-kwan was nominated by Mr CHAN Hak-kan and the nomination was seconded by Mr Tommy CHEUNG. Mr CHEUNG Kwok-kwan accepted the nomination.

4. As there was no other nomination, the Chairman declared Mr CHEUNG Kwok-kwan elected as the Deputy Chairman of the Subcommittee.

II. Meeting with the Administration

[LC Paper Nos. CB(4)679/20-21(01) to (03)]

5. The Subcommittee deliberated (index of proceedings attached at **Annex I**). The opening speeches delivered by the Chairman and the Secretary for Constitutional and Mainland Affairs ("SCMA") are attached at **Annexes II** and **III** respectively.

6. SCMA said that the Government of the Hong Kong Special Administrative Region ("HKSAR") had started to sort out the local electoral legislation that needed to be amended. He further said that after the Standing Committee of the National People's Congress ("NPCSC") had passed the amended Annex I to the Basic Law on Method for the Selection of the Chief Executive ("CE") of HKSAR and Annex II to the Basic Law on Method for the Formation of the Legislative Council ("LegCo") of HKSAR and its Voting Procedures, the HKSAR Government would seek to amend the relevant local legislation (including principal Ordinances and subsidiary legislation) in accordance with the Decision of the National People's Congress ("NPC") on Improving the Electoral System of HKSAR ("the Decision") and the amended Annexes I and II to the Basic Law to, among others, regulate the conduct and arrangement of election-related activities. SCMA added that the Administration would strive to introduce the relevant bill into LegCo as soon as possible.

7. Members expressed support for improving the electoral system of HKSAR. Some members enquired whether "patriots administering Hong Kong" was equivalent to the complete exodus of the opposition camp. SCMA explained that the improvements to the electoral system were not meant to exclude a particular political camp, but rather to bar non-patriots from participating in public elections. He pointed out that "patriots administering Hong Kong" was a natural and essential condition for the successful and faithful implementation of "One Country, Two Systems"; part and parcel of basic political ethics; and a universally applicable standard. SCMA said that it was totally acceptable for patriots holding different political views to take up public offices. He further said that in future, there was no need to distinguish between "pro-establishment camp" and "non-establishment camp". What only mattered was whether or not a candidate genuinely loved the Country and HKSAR.

8. Members noted that according to Article 5 of the Decision, a candidate qualification review committee of HKSAR ("the Committee") would be established to review and confirm the qualifications of candidates for the Election Committee members, CE, and LegCo members. Some members expressed concerns about whether members of the Committee would be bound

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by the Prevention of Bribery Ordinance (Cap. 201). SCMA replied in the affirmative. He added that pending the passage of the amended Annexes I and II to the Basic Law by NPCSC, detailed arrangements regarding the Committee, such as its composition, protection of its members, as well as the division of work between the Committee and Returning Officers, would be further worked out.

9. Members agreed that the next meeting would be held on Wednesday, 31 March 2021, at 10:45 am.

III. Any other business

10. There being no other business, the meeting ended at 10:28 am.

Council Business Division 4
Legislative Council Secretariat
2 July 2021

**Proceedings of the first meeting of the
Subcommittee on Decision of the National People's Congress on Improving the
Electoral System of the Hong Kong Special Administrative Region
on Friday, 26 March 2021, at 8:30 am
in Conference Room 1 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000349 - 000544	Members	Election of Chairman	
000545 - 000632	Chairman Members	Election of Deputy Chairman	
000633 - 001458	Chairman Administration	Opening speech of the Chairman (Chinese version only) (see Annex II) Opening speech of Secretary for Constitutional and Mainland Affairs (Chinese version only) (see Annex III)	
001459 - 002107	Chairman Dr CHENG Chung-tai	Concerns about the candidate qualification review committee ("the Committee") to be established in the Hong Kong Special Administrative Region ("HKSAR") and enquiries about (i) the eligibility requirements for becoming a member of the Committee; (ii) whether members of the Committee would be barred from running for Chief Executive ("CE") elections and Legislative Council ("LegCo") elections; and (iii) the term of office of members of the Committee	
002108 - 002601	Chairman Mrs Regina IP Administration	Explanation of the difference between the "Five-Step Process" of political reform and the two-step "decision plus amendment" approach for revising and improving the electoral system of HKSAR at the national level as mentioned in the Explanations on the Draft Decision of the National People's Congress ("NPC") on Improving the Electoral System of HKSAR ("the Explanations")	
002602 - 003018	Chairman Ir Dr LO Wai-kwok Administration	Expression of support for the Decision of NPC on Improving the Electoral System of HKSAR ("the Decision") and enquiry about the Administration's schedule of work in taking forward the legislative amendment exercise to improve the electoral system of HKSAR in accordance with the Decision	

Time Marker	Speaker(s)	Subject(s)	Action required
003019 - 003450	Chairman Dr Priscilla LEUNG	Expression of the view that the principle of "patriots administering Hong Kong" had been enshrined in Article 104 of the Basic Law and embedded in the principle of "One Country, Two Systems"	
003451 - 003954	Chairman Mr CHAN Hak-kan Administration	Expression of support for the principle of "patriots administering Hong Kong" and enquiries about the detailed arrangements of the Committee	
003955 - 005032	Chairman Ms Alice MAK Mr Wilson OR Administration	Request for the Administration to strengthen publicity to explain the constitutional and legal basis of the Decision to Consuls-General in Hong Kong and the public	
005033 - 005346	Chairman Administration	Enquiries about the new candidate eligibility review mechanism and whether there would be any difference in the eligibility requirements imposed on various categories of candidates (namely, candidates for the Election Committee/CE/LegCo elections)	
005347 - 005816	Chairman Deputy Chairman Administration	Expression of the view that reforming Hong Kong's political structure was a prerogative of the Central Authorities and enquiry about the scale of the legislative amendment work to implement the Decision	
005817 - 010233	Chairman Mr Paul TSE Administration	Request for the Administration to assume a more proactive role and strengthen its efforts in explaining the legal basis of the Decision to the public	
010234 - 010635	Chairman Mr WONG Kwok-kin Administration	Discussion on how the Administration would implement one of the important principles set out in Part II of the Explanations, i.e. improving the governance efficacy of HKSAR	
010636 - 011413	Chairman Mr MA Fung-kwok Mr Tommy CHEUNG Administration	Expression of the views that it was not only the prerogative but also the responsibility of NPC to make the Decision to get Hong Kong back onto the right track following the social unrest in recent years, and that improving the electoral system of HKSAR would be conducive to improving the governance efficacy of HKSAR	
011414 - 012025	Chairman Dr CHENG Chung-tai Administration	Concerns about the Committee and whether measures would be taken to prevent the Committee from becoming a hotbed for corruption	

Time Marker	Speaker(s)	Subject(s)	Action required
012026 - 012755	Chairman Mrs Regina IP Dr Priscilla LEUNG Administration	Expression of support for the principle of "patriots administering Hong Kong"	
012756 - 013209	Chairman Ms Alice MAK Administration	Request for the Administration to clearly explain to the public how the improvement of the electoral system of HKSAR would help resolve various deep-seated problems in Hong Kong and how the Hong Kong society could benefit from it	
013210 - 013659	Chairman Mr Wilson OR Administration	The Administration's work plan on proposing amendments to local electoral legislation in accordance with the Decision, as well as the amended Annexes I and II to the Basic Law to be passed by the Standing Committee of NPC	
013700 - 014433	Chairman Mr Paul TSE Deputy Chairman Administration	Expression of the view that the "Five-Step Process" of political reform was technically infeasible and why it was necessary for the Central Authorities to support the HKSAR Government to put things back on the right track and improve the electoral system Request for the Administration to clarify whether "patriots administering Hong Kong" was equivalent to the complete exodus of the opposition camp	
014434 - 014931	Chairman Ir Dr LO Wai-kwok Administration	Expression of the view that 2.38 million signatures collected through a 10-day signature campaign demonstrated wide public support for the Decision, and the Administration's pledge to expeditiously proceed with the legislative amendment exercise which would improve the electoral system, with a view to putting the principle of "patriots administering Hong Kong" into practice	
014932 - 015443	Chairman Mr Tommy CHEUNG Administration	Discussion on the principle of "patriots administering Hong Kong" and the criteria for a patriot	
015444 - 015743	Chairman Dr CHENG Chung-tai Administration	Discussion on the need for institutional safeguards to prevent the Committee from becoming a hotbed for corruption and mechanisms for handling conflict of interests for members of the Committee	
015744 - 020031	Chairman Dr Priscilla LEUNG Administration	Expression of views regarding the legal basis of the Decision and why it was necessary for the Central Authorities to take the lead at the constitutional level to improve the electoral system of HKSAR	

Time Marker	Speaker(s)	Subject(s)	Action required
020032 - 020242	Chairman Members	Date of next meeting and closing remarks	

Council Business Division 4
Legislative Council Secretariat
2 July 2021

《全國人民代表大會關於完善香港特別行政區選舉制度的
決定》小組委員會
2021年3月26日會議

主席廖長江議員的開場發言全文

各位委員：

在我邀請局長發言之前，我想先同大家講幾句說話。

1. 全國人大《3.11決定》是具有法律效力的文件，是為完善香港的選舉制度定下法律基礎、原則和框架。《決定》的其中一項重要政策目的是中央要落實「愛國者治港」，並為其提供制度保障，其本質並不是按照《基本法》第45條衍生的政改方案，不是香港立法會可以隨意修改。根據國家《憲法》和《基本法》的有關規定，香港特區的政治體制，包括其選舉制度，是中央的事權。全國人大及全國人大常委會行使《憲法》及《基本法》賦予的權力，並不受所謂「香港政改五部曲」的程序制肘。
2. 我請大家進行討論時，必須在全國人大《3.11決定》，以及全國人大常委會有關《基本法》附件一及附件二修訂的框架內進行，不能天馬行空，亦不應該把它當作為《基本法》第45條的政改討論。
3. 根據內務委員會在上週五的決定，本小組委員會日後將會變成法案委員會，亦即是後者是前者的延續。小組委員會會討論全國人大《3.11決定》及全國人大常委會按照《3.11決定》對基本法附件一和附件二作出的修訂，以及相關的原則和政策。當有關的條例草案在大會首讀後，小組委員會即變為法案委員會，隨即展開逐項條文審議，不會再就原則和政策作討論。
4. 最後，我想提醒大家，由於涉及的工作量非常大、時間亦緊迫，開會的次數和時數都會非常緊湊，希望各位委員按時出席，積極參與委員會的工作。多謝大家。

新聞公報

政制及內地事務局局長在立法會《全國人民代表大會關於完善香港特別行政區選舉制度的決定》小組委員會首次會議的開場發言（只有中文）

以下是政制及內地事務局局長曾國衛今日（三月二十六日）在立法會《全國人民代表大會關於完善香港特別行政區選舉制度的決定》小組委員會首次會議的開場發言全文：

三月十一日，經第十三屆全國人民代表大會（全國人大）第四次會議表決，《全國人民代表大會關於完善香港特別行政區選舉制度的決定》（《決定》）高票通過。這是繼制定實施《香港國安法》後，中央完善香港法律和政治體制的又一重大舉措。《決定》的通過，為堵塞香港現行選舉制度漏洞，從制度機制上全面貫徹落實「愛國者治港」原則，確保中央對香港的全面管治權，確保香港長期繁榮穩定和「一國兩制」實踐行穩致遠，提供了堅實有力的憲制保障。

香港現行的行政長官和立法會產生辦法，主要內容都是30年前由《基本法》確定的。香港回歸後，隨着社會政治形勢的發展變化，現行選舉制度的缺陷陸續浮現，特別是在二〇一九年「修例風波」和第六屆區議會選舉過程中，充分暴露出來。反對派在外部勢力支持下以爭取「民主」為幌子，不斷蠱惑民意、煽動對抗，導致香港社會爭拗不斷、撕裂加劇，日益政治化、激進化。香港特別行政區選舉制度已經不得不改、非改不可。

創設特別行政區、建立特別行政區的制度，權力在中央。中央政府對維護香港特別行政區的憲制秩序負有最大責任，對「一國兩制」全面準確貫徹落實和香港《基本法》的正確實施負有最大責任。完善香港特別行政區選舉制度必須在中央的主導下進行。全國人大從香港實際情況出發，通過調整和優化選舉委員會的規模、組成和產生辦法，賦予選委會新職能，擴大立法會規模、調整選舉方式，以及設立候選人資格審查委員會等安排，就完善香港特別行政區選舉制度作出決定，完全合法、十分必要，亦極為重要。

特區政府已開始梳理需要修訂的本地選舉法律，待全國人民代表大會常務委員會（人大常委會）通過修改行政長官及立法會的產生辦法後，我們會依照經修改的《基本法》附

件一和附件二盡快完成修改本地相關選舉法律的工作，爭取盡早把條例草案提交至立法會審議，讓立法會有更多的時間去審議這條條例草案。與此同時，政府亦會繼續竭力向社會解釋完善特區選舉制度的必要性和迫切性。當條例草案提交立法會審議時，政府亦會向社會各界解說條例草案的內容。

上述各項工作的時間十分緊迫，政府會全力以赴，但立法會的支持和配合亦是不可或缺。我感謝立法會同意在內務委員會之下成立這個小組委員會，讓議員可以爭取時間先討論全國人大《決定》的主要內容和稍後經人大常委會修訂的《基本法》附件一和附件二。這個小組委員會在政府向立法會提交條例草案後，可以轉成一個法案委員會，從速推展條例草案的審議工作。

希望各位議員能夠支持是次修例工作，政府將會依照經修改的選舉法例，組織和規管相關選舉活動，落實符合香港實際情況的新選舉制度，妥善安排和舉行未來十二個月的多場重要選舉。

多謝主席。

完

2021年3月26日（星期五）
香港時間10時52分