立法會 Legislative Council

LC Paper No. CB(2)1395/99-00 (These minutes have been seen by the Administration)

Ref: CB2/PL/CA

Legislative Council Panel on Constitutional Affairs

Minutes of meeting held on Monday, 17 January 2000 at 2:30 pm in Conference Room A of the Legislative Council Building

Members : Hon Andrew WONG Wang-fat, JP (Chairman)
Present Hon Emily LAU Wai-hing, JP (Deputy Chairman)

Hon LEE Wing-tat Hon Margaret NG

Hon CHEUNG Man-kwong Hon Gary CHENG Kai-nam Hon Jasper TSANG Yok-sing, JP

Hon Howard YOUNG, JP Dr Hon YEUNG Sum

Hon Ambrose LAU Hon-chuen, JP

Hon SZETO Wah

Member : Hon LEUNG Yiu-chung

Attending

Member : Hon Ronald ARCULLI, JP

Absent

Public Officers : All Items **Attending**

Mr Michael SUEN M Y

Secretary for Constitutional Affairs

Items III & IV

Mr Robin IP

Deputy Secretary for Constitutional Affairs

Ms Doris HO

Principal Assistant Secretary for Constitutional Affairs (4)

Mr LI Wing

Chief Electoral Officer of the Registration and Election Office

Item V

Ms Mable CHAN

Principal Assistant Secretary for Constitutional

Affairs (3)

Clerk in : Mrs Percy MA

Attendance Chief Assistant Secretary (2)3

Staff in : Mr Jimmy MA **Attendance** : Legal Adviser

Mr Stephen LAM

Assistant Legal Adviser 4

Mrs Eleanor CHOW

Senior Assistant Secretary (2)7

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<u>The Chairman</u> advised members that each year, funds had been earmarked for overseas duty visits by committees. For the purpose of financial planning, he consulted members as to whether the Panel intended to conduct a duty visit overseas during the remainder of the current legislative session. <u>Members</u> agreed that there was no plan for the Panel to conduct any visit during the period.

I. Information paper issued since the last meeting (LC Papers. Nos. CB(2) 845/99-00)

2. <u>Members</u> noted the Administration's paper on the actual election expenses of lists of candidates in the 1998 LegCo geographical constituency elections.

II. Items for discussion at the next meeting on 21 February 2000

<u>List of issues to be considered</u> (LC Paper No. CB(2) 846/99-00(01)

Development of HKSAR's political system

- 3. <u>Dr YEUNG Sum</u> said that Ms Emily LAU's motion calling upon the Administration to conduct a public consultation as soon as possible on the relationship between the Executive and the Legislature, the ministerial system and the election of the Chief Executive (CE) and the LegCo by universal suffrage was passed by the Council on 12 January 2000. The Panel on Constitutional Affairs should follow up the matter by initiating discussions on the development of Hong Kong's political system. He suggested that the Panel should hold a series of meetings for the purpose of receiving public views on the matter. <u>Mr LEE Wing-tat</u> echoed Dr YEUNG's view and pointed out that a LegCo select committee was appointed in 1992 to study the arrangements for LegCo elections.
- 4. <u>Ms Emily LAU</u> considered that the Panel was an appropriate forum to discuss the matter. She suggested that apart from public consultation, the Research and Library Services Division should be requested to do a study on overseas systems of government to facilitate the Panel's consideration and discussion of the matter. A report on the deliberations of the Panel could be submitted to LegCo for consideration. The Chairman could also sponsor a motion debate on the matter at the end of the session.
- 5. <u>The Chairman</u> said that the matter could be followed up by the Panel, a select committee or a constitutional convention as previously proposed by Miss Christine LOH. While he considered it more appropriate for the Administration to take the initiative in the case of a constitutional convention, he noted the Administration's previous responses on the matter.
- 6. <u>Secretary for Constitutional Affairs</u> (SCA) said that the Constitutional Affairs Bureau was at present busy with preparatory work for the 2000 LegCo

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election. The Administration's study on overseas systems of government could only commence after the 2000 LegCo election.

- 7. In response to Ms Emily LAU's question, <u>SCA</u> said that some people had suggested that the system in South America countries such as Chile should be studied in considering the system of Government for Hong Kong. In response to Mr LEE Wing-tat on the purpose of the study, SCA said that the Administration hoped to make reference to overseas experience in finding ways to improve the relationship between the Executive and the Legislature. Although some people had accurately commented on the present problems faced by the Executive and the Legislature, no concrete solution had been proposed so far. Ms Emily LAU pointed out that according to what CE had said at the CE's Question and Answer Session in the Council on 13 January 2000, there was no problem with the relationship between the Executive and the Legislature. SCA responded that CE's remark was made in the light of the fact that major legislative proposals introduced by the Administration had been supported and passed by LegCo in the past two years. In his view, it was necessary to plan ahead in the eventuality that the relationship between the Executive and the Legislature might become tense in future.
- 8. In view of the limited time available before the end of the term, the Chairman cautioned that there might not be enough time for the Panel to have thorough deliberation on the three issues covered in Ms LAU's motion. In addition, Panel members might not be able to reach consensus on the issues. Nevertheless, he agreed with members that discussions on the development of Hong Kong's political system should be initiated as soon as possible. He reckoned that any preliminary views arrived at by the Panel could be made available for reference of the Panel in the next LegCo term.
- 9. To facilitate the work of the Panel, the Chairman asked members to decide on the scope and timetable of public consultation and the parties to be consulted. After discussion, members agreed to the following -
 - (a) the scope of the public consultation should cover
 - (i) ministerial system of government including the relationship between the Executive and the Legislature;
 - (ii) election of CE by universal suffrage; and
 - (iii) election of all LegCo Members by universal suffrage;

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- (b) in consultation with the Chairman, the Clerk should work out the timetable for public consultation. The Panel should try to receive deputations at regular Panel meetings as far as possible;
- (c) advertisements to invite public views should be placed in local newspapers. In addition, academics and the two legal professional bodies should be invited to give views to the Panel; and
- (d) in consultation with the Chairman, the Clerk should work out with the Research and Library Services Division the scope of the proposed research study for endorsement by the Panel.

Independence of the Audit Commission

- 10. Mr CHEUNG Man-kwong said that given that the Audit Commission was facing increasing pressure from the Government in recent years following its scathing criticisms against the Government's management of public accounts, he considered it worthwhile for the Panel to discuss the desirability of the independence of the Audit Commission. Members agreed to discuss the item at a future meeting.
- 11. Having regard to members' earlier decision to follow up on Ms Emily LAU's motion on political system, the <u>Chairman</u> suggested and <u>members</u> agreed that apart from the items on the outstanding list and any items to be proposed by the Administration, no additional items would be taken up by the Panel in the remainder of the session.

List of follow-up actions required of the Administration (LC Paper No. CB(2) 846/99-00(02) and 867/99-00(01))

12. <u>Members</u> noted the list of follow-up actions required of the Administration and the Administration's reply to item 1 of the list on the timing of making amendments to the provisions of the Basic Law regarding composition of LegCo (LC Paper No. CB(2) 867/99-00(01)).

III. Public consultation on the proposed counting arrangements for the 2000 LegCo election

(LC Paper No. CV(2) 797/99-00)

13. <u>The Chairman</u> said that the Electoral Affairs Commission (EAC) had issued a consultation document on the proposed counting arrangements for the 2000 LegCo election. Any views or suggestions should reach the EAC on or

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before 9 February 2000. He also reminded members that the EAC had extended a special invitation to Panel members to a public hearing on 25 January 2000 from 2:30 pm to 3:30 pm at the Recital Hall, 8/F, City Hall High Block, Central to exchange views with the EAC on the subject. The public forum would be held at 3:30 pm, immediately after the meeting specially reserved for LegCo Members.

- 14. At the invitation of the Chairman, <u>Chief Electoral Officer</u> (CEO) briefed members that the EAC had proposed two options to conduct the count for the 2000 LegCo elections -
 - (a) Option 1 one counting station for each of the five GCs and one central counting station for the functional constituencies (FCs) and the Election Committee (EC); and
 - (b) Option 2 GC ballot papers would be counted at each polling station while FC and EC ballot papers would be counted at a central counting station.
- 15. <u>CEO</u> highlighted the pros and cons of the two options as follows –

Option 1

Pros

- (a) As determination of questionable ballot papers for a GC would be made by the same person, no question of inconsistency would arise;
- (b) Secrecy of the GC votes would be fully maintained;
- (c) Candidates and their agents could observe the count at their own GC counting station; and
- (d) Less manpower would be needed if the media wished to cover each of the five counting stations and the Central Co-ordination Centre (CCC).

Cons

(a) Counting would be completed later than Option 2 as based on the 1998 figures, each of the five GCs counting stations would need to handle on average some 300 000 ballot papers;

- (b) Ballot boxes from about 100 polling stations would need to be delivered to each of the five GC counting stations;
- (c) The public, though admitted to the counting station, would be too far away from the counting tables to see the votes on the ballot papers during the count; and
- (d) An additional cost totalling \$2.6 million would be required for setting up the five GC counting stations.

Option 2

Pros

- (a) Counting process and counting time would be faster than Option 1. Counting could commence after the close of the poll and each counting station would need to handle some 3 000 ballot papers only;
- (b) No transportation of GC ballot boxes would be required. The Option was the speediest and safest way to handle GC ballot boxes;
- (c) Transparency of the counting process would be higher than Option 1 as the public would be allowed entry to the polling/counting stations to witness the count at a much closer distance; and
- (d) As the polling stations could be used for the count, no additional set up cost would be required.

Cons

- (a) Candidates and their representatives would be allowed to observe the counting process but because of the large number of polling/counting stations, they might have difficulties in finding sufficient manpower to observe the count;
- (b) There might be reservations about the competence and experience of the Presiding Officer (PRO) to perform the dual duties of polling and counting but determination of questionable papers should pose little problem with the use of the chop and intensive training of PROs might overcome problems;

- (c) All ballot papers in the polling stations would be counted twice to ensure accuracy. A new regulation would need to be introduced to disallow candidates' request for recount at the CCC; and
- (d) There might be reservations that secrecy of the GC voters might not be ensured in a polling/counting station if only a few votes had been cast therein, but that was highly unlikely in view of the fact that only two polling stations catered for less than 50 electors in the 1999 District Councils (DCs) election.
- 16. Mr CHEUNG Man-kwong said that Option 1 had not addressed the problem of prolonged counting process which was raised by members at previous elections. He pointed out that the mode of operation of Option 1 would not be very different from the previous counting arrangement which involved delivery of GC ballot boxes from polling stations to counting stations. He said that so long as the election was carried out in an open, transparent, clean and fair manner, Option 2 was preferred as counting was much faster.
- 17. <u>Ms Emily LAU</u> said that in principle, she supported Option 2. However, she expressed concern that independent candidates might have difficulty to deploy sufficient number of agents to the counting stations to monitor the count. She further asked whether a mechanism could be put in place to deal with questionable ballot papers in the absence of candidates or their agents. Under the previous arrangement, any questionable ballot papers would be put aside for determination of validity by the Returning Officer (RO) in the presence of candidates or their agents. She opined that transparency could be enhanced if each vote would be announced to the public. She also expressed concern over the competence and experience of the PROs to perform counting duties.
- 18. <u>CEO</u> responded that the EAC was aware that candidates might have difficulties in finding sufficient manpower to monitor the count. However, the count would be highly transparent as the public would be allowed to witness the count at a very close distance in the counting station. Votes would be shown to those present at the count. In the case of questionable ballot papers, objection to the PROs' decisions could be made on the spot if candidates or their agents were present at the count. If they were not present, the PRO would show the ballot paper to the public and declare it valid or invalid. In case of doubt, the PRO could consult legal advisers at the CCC. As regards competence of the PROs, the EAC would provide intensive training to equip them with the necessary skill to overcome problems that might arise from the count.

- 19. Mr LEUNG Yiu-chung said that Option 2 would lead to greater public participation because voters were eager to know whether the candidates they supported would win in an election. He pointed out that prolonged counting would lead to fatigue and errors. Mr SZETO Wah said that centralized counting was prone to give rise to mistakes as it involved too many votes, people and work processes.
- 20. Mr LEE Wing-tat said that he also supported Option 2 as the election result should be announced to the public at the soonest. Counting at individual polling stations was speedy and easy to control.
- 21. Mr CHENG Kai-nam pointed out that it had long been the practice for ballot papers for the same constituency from not less than two polling stations to be mixed before counting. He would like to know the reasons for the EAC to propose Option 2 which was a clear departure from the established practice.
- 22. <u>CEO</u> responded that the EAC was very concerned about the time taken in the count in previous elections and would like to shorten the counting process so that election results could be announced to the candidates and the public as soon as possible. The difficulty to hire the same venue as in 1998 for the purpose of a centralized counting for the 2000 LegCo election was not the major reason for proposing the two options.
- 23. Mr CHENG Kai-nam said that the long established practice of mixing ballot papers of different polling stations must have its merits. He was surprised that this principle would no longer be adhered to under Option 2 proposed for the 2000 LegCo election. He also had reservations about the proposal that candidates' request for recount at the CCC would be disallowed under Option 2. Mr CHENG pointed out that in past elections, it was not uncommon for individual ROs to adopt different practices in the counting process. From the perspective of consistency and fairness, he held the view that the less number of counting stations the better. Given that there were no strong justifications for changing the existing counting arrangement, other than the need to speed up the counting process, he would not support Option 2.
- 24. Mr Ambrose LAU pointed out that it would be unfair to candidates who were unable to monitor the count in counting stations because of lack of manpower resources. He said that he had reservations about Option 2.
- 25. <u>Miss Margaret NG</u> said that she had no strong preference for either of the options but was of the view that centralized counting would facilitate monitoring by international media. She suggested that each step of the counting

procedure should be observed by witnesses in order to avoid unnecessary challenges to the election result. <u>SZETO Wah</u> pointed out that the number of votes cast for each list of candidates of the GC would be transmitted from all the polling-cum-counting stations to the CCC and made known to the media under Option 2.

- 26. <u>Dr YEUNG Sum</u> said that taking into account factors such as no additional set-up cost, shorter counting time, speediest and safest way of handling GC ballot boxes and higher transparency of the counting process, Option 2 was worthy of support. He noted that some people were concerned that if the political inclination of a small polling station was revealed, it might lead to intimidation and duress. However, he pointed out that the recent DCs election had indicated that the polling result of a small district could easily be projected with the conduct of exit polls and other sophisticated polling surveys.
- 27. Mr SZETO Wah said that mixing of ballot papers of two or more polling stations would not guarantee non-disclosure of the voting preference of the polling stations concerned. He queried why such information could not be disclosed and whether there was any disadvantage for disclosure. He asked the EAC and the Administration to clarify their position towards the principle of mixing ballot papers of two or more polling stations before counting.
- 28. <u>CEO</u> said that in the view of the EAC, mixing ballot papers before counting was not considered absolutely necessary for GC elections. Option 2 was therefore proposed. <u>SCA</u> said that the public consultation was underway and as the EAC, the Administration would like to listen to members' views on the two options.
- 29. Mr CHEUNG Man-kwong said that there were actually three options to conduct the count for the 2000 LegCo election, namely proposed Options 1 and 2 and the counting arrangement adopted in 1998 LegCo election. Irrespective of which counting arrangement would be used, the election result would be the same as long as the election was transparent, clean and fair. He had participated in a number of elections over the years and considered that Hong Kong's elections were clean. He said that the two options now under discussion were proposed by the EAC in response to members' repeated requests to speed up the counting process. Should members consider that the time taken for the count was not important, they should refrain from lodging similar complaints to the EAC in future.
- 30. The Chairman said that Mr Justice WOO, the Chairman of the EAC, had explained to him personally that the purpose of mixing ballot papers before

counting was to protect the anonymity of voters. However, he disagreed with Mr WOO's view. He considered that the arrangement was meant to protect the political inclination of polling stations in order to guard against intimidation and graft in an election. He pointed out that if the political inclination of polling stations was made known to candidates, they could plan and conduct their electioneering campaign strategically. In this regard, candidates affiliated with political parties would have advantages over independent candidates in mobilizing their resources. He recalled that the proposal of mixing ballot papers was introduced by the Government even before the setting up of the Boundary and Election Commission, the EAC's predecessor. However, it would appear that the Government had now disregarded this important principle. explained to members that the proposal was modeled on the electoral arrangements of the United Kingdom. Although the United Kingdom adopted the "single seat single vote" election system, the ballot papers from several polling stations would still be mixed before counting in order to safeguard the confidentiality of voters and the polling areas. He personally supported that arrangement.

- 31. <u>The Chairman</u> requested CEO to relay members' comments and views on the two options to the EAC for consideration.
- 32. Mr SZETO Wah said that it was preferable for the size of the ballot paper to be larger so that the chop to indicate the elector's choice could be easily seen by observers during counting. In response to Mr SZETO, CEO said that the number of questionable ballot papers ruled by ROs as void for uncertainty in DCs election had reduced by some 50% from 1203 in 1994 to 658 in 1999. These questionable ballot papers were marked with a tick but without a clear indication of the choice of candidate. However, they excluded ballot papers which were marked with the word "SPOILT", "TENDERED" or "UNUSED". In further response to Mr SZETO, CEO said that he could not provide a breakdown on the types of the 658 questionable ballot papers as the information was not available. However, he agreed to explore the feasibility of making available such information for future elections.

IV. Systems of voting and voter registration for LegCo elections (LC Paper No. CHB(2) 846/99-00(03))

- 33. <u>The Chairman</u> asked whether it was possible to implement computerized voting to facilitate cross-station polling in the coming 2000 LegCo election.
- 34. <u>Deputy Secretary for Constitutional Affairs</u> (DSCA) said that computerized voting might involve virtual polling and/or the use of electronic

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voting devices. Virtual polling, including electronic verification of electors' identities, allowed electors to cast their votes for a particular constituency at any polling stations instead of a designated polling station. Considering that some of the polling stations were currently housed in venues with unstable electricity supply or vulnerable to flooding etc, these problems needed to be resolved in order to ensure that polling activities would not be affected. DSCA further said that as computerized voting involved the use of electronic voting devices, the costs involved in the procurement, installation and testing of the computer equipment for some 500 polling stations would be very high, not to mention the resources required for storage, maintenance and repair. The cost of a computerized voting system must be carefully balanced against the benefit of convenience to voters. In view of the above, the Registration and Electoral Office (REO) would shortly conduct a feasibility study on the development of a new electoral and registration system. Apart from looking at the viability of automatic registration, the study would also assess the feasibility and costs of implementing virtual polling and computerized voting and counting.

- 35. Mr Howard YOUNG said that he agreed that computerized voting could not be implemented in time for the 2000 LegCo election. However, the proposal should be pursued and implemented in the longer term.
- 36. <u>Ms Emily LAU</u> said that the deadline for voter registration should be scheduled as close to the election day as possible. She expressed concern over the public's acceptance of electronic voting and how issues such as questionable votes and recount of votes would be dealt with under electronic voting.
- 37. <u>DSCA</u> assured members that the deadline for voter registration would be scheduled nearer to the election day in the 2004 LegCo election, given that no EC election would be held in 2004. On the second point raised by Ms LAU, <u>DSCA</u> said that the Administration was also concerned about the public's confidence in the credibility of electronic voting which was considered less transparent than the existing manual system.
- 38. <u>Miss Margaret NG</u> asked whether electors of FCs, especially those who were members of professional bodies, could be automatically registered.
- 39. <u>DSCA</u> explained that one of the major difficulty for implementing automatic voter registration was that the Administration did not have up-to-date personal records including residential addresses of eligible electors. In the case of FCs, while some professional bodies might be able to provide such information in respect of their members, some might not. As for FC corporate electors, the matter would be further complicated as authorized representatives

had to be appointed for the purpose of voting. In further response to Miss NG, <u>DSCA</u> said that one of the statutory requirement for a person to be registered as an FC elector was that he must be a registered GC elector. In the case of the legal profession, not all members of the Hong Kong Bar Association and the Law Society of Hong Kong were eligible FC electors. For example, if a lawyer was not a permanent resident of Hong Kong or had not registered as a GC elector, he was not eligible to be registered as an FC elector. In addition, the concept of automatic voter registration differed from the existing registration system in that the latter required the person to complete a registration form.

- 40. Addressing Miss NG's concern about the deadline for voter registration, <u>DSCA</u> explained that a person could apply for registration as an elector at any time of the year. However, a person had to apply for registration before 16 March 2000 in order to be able to vote at the 2000 LegCo election to be held in September 2000. In fact, for a person whose particulars were recorded in a GC existing final register and who appeared to the ERO to be eligible to be registered for an FC, REO would issue notification letter to the person concerned.
- 41. <u>Ms Emily LAU</u> said that she favoured automatic voter registration. She suggested that the Administration should consider implementing an opt-out arrangement whereby persons who did not want to be registered as electors could apply for exemption.
- 42. <u>DSCA</u> said that automatic voter registration could only be implemented after a number of problems had been resolved, such as putting in place an electronic database which captured up-to-date personal information of all eligible electors and weeding out ineligible voters from an automatic register.
- 43. <u>Miss Margaret NG</u> said that the question at issue was how a disqualified elector could be prevented from voting. <u>The Chairman</u> said that under the existing system, if it had come to the knowledge of the electoral staff at a polling station that a registered elector was disqualified from voting, they would remind the elector of the relevant provisions of the law. They however could not prevent him from voting because they could not be certain about the person's eligibility to vote at that particular point in time. However, they might refer the case to the law enforcement agency for follow-up.
- 44. <u>DSCA</u> responded that under the existing arrangement, a person had to apply to be registered as an elector. The person had to make a statement in the application form declaring that he had met the eligibility criteria of an elector. A person giving a false statement committed an offence under the law. Section

- 53 of the Legislative Council Ordinance stipulated the conditions under which an elector was disqualified from voting at an election. It was an offence under section 14(1) of the Corrupt and Illegal Practice Ordinance for a person to vote at an election if he knew that he was disqualified from voting.
- 45. On the Administration's advice that one of the problems in implementing automatic voter registration was the weeding out of ineligible voters from the automatic register, the Chairman pointed out that the problem was not new. Under the existing registration system, the name of a registered elector who had subsequently been disqualified from being registered as an elector and voting might still be allowed to remain on the register. DSCA said that the Administration would take into account the Chairman's comment when considering an automatic registration system.

V. Mechanism for amending the Basic Law (LC Paper No. CB(2) 834/99-00)

- 46. <u>SCA</u> said that given that the mechanism to amend the Basic Law was a matter of great importance, it must be thoroughly discussed and handled with prudence. In the past year, the Administration had exchanged views with members and briefed the Panel on the progress of discussions with the Central Authorities. In view of the complexity of the matter, the Central Authorities needed more time to study the issues raised by the Panel. The Administration had no progress to report at this stage.
- 47. <u>Some members</u> were disappointed at the slow progress made by the Administration. <u>Mr CHEUNG Man-kwong</u> said that having regard to the hurdles or steps that one had to take in order to propose amendments to the Basic Law, Article 159 of the Basic Law was de facto inoperable.
- 48. <u>Ms Emily LAU</u> asked how the Administration would take the matter forward if the resolution under Article 159 to be moved by Mr LEUNG Yiuchung was passed at the Council meeting on 19 January 2000.
- 49. <u>Mr LEE Wing-tat</u> said that the Mainland had put in place a mechanism to amend the Constitution. Given that the Basic Law was only a "miniconstitution", he could not understand why the Central Authorities and the Administration should be dragging its feet on the issue.
- 50. <u>Miss Margaret NG</u> said that the Basic Law was national law of China, it had nothing to do with constitutional law. Given that a mechanism for amending national law was already in place, a proposal to amend the Basic Law

to be initiated by a Mainland party on behalf of the HKSAR would be much simpler and faster. She asked the Administration whether it would consider taking this approach.

- In response to members, <u>SCA</u> said that according to Article 159 of the 51. Basic Law, the power to propose bills for amendments to the Basic Law should be vested in the Standing Committee of the National People's Congress (NPCSC), the State Council and the HKSAR. However, there was no express provision in the Basic Law on the mechanism for proposing amendments. The Administration had reservations and doubts about the legal effect of Mr LEUNG's resolution if passed, and whether it could be regarded as having set in train the procedure for amending the Basic Law. In the view of the Administration, the matter should be considered in two aspects. Firstly, the basic question of whether the passage of the resolution could be regarded as having fulfilled one of the conditions for proposing amendments to the Basic Law and secondly, the content and effect of the resolution. If the basic premises could not be established, it would serve no meaningful purpose to pursue the matter further. SCA said that he would elaborate his views at the Council meeting on 19 January 2000.
- 52. In view of SCA's comments, <u>members</u> considered that the Administration had already formed a view on Mr LEUNG's resolution and that it would be extremely unfair to Members if SCA only stated the Administration's position at the end of the debate after all Members had made their speeches. <u>SCA</u> said that he would seek leave from the President of LegCo to speak twice at the debate on 19 January 2000 so that he could first explain the Administration's position on the nature of Mr LEUNG's resolution after Mr LEUNG had moved the motion.
- 53. In response to members' repeated requests for SCA to state the Administration's position on Mr LEUNG's resolution at the meeting, <u>SCA</u> made the following statement -

"According to Article 48 of the Basic Law, the Chief Executive is responsible for the implementation of the Basic Law. Since establishing a mechanism to amend the Basic Law is a very important event, we should establish a proper mechanism in accordance with the provisions of Article 159. At present, in the absence of an agreed mechanism for amending the Basic Law, we consider that the resolution to be moved by Hon LEUNG Yiu-chung is merely his own proposal. Such a resolution is unacceptable to the Government. It is premature from the constitutional angle. Nor is it a proper way to set in train the procedure for amending the Basic Law. We oppose this resolution."

(*Post meeting note*: With the agreement of the Chairman, SCA's statement was issued to all LegCo Members vide LC Paper No. CB(2) 892/99-00 on 18 January 2000.)

54. The meeting ended at 4:50 pm.

Legislative Council Secretariat 16 March 2000