

Press Releases

LCQ4: The Legislative Council functional constituencies

Following is a question by Hon Paul Tse and a reply by the Secretary for Constitutional and Mainland Affairs, Mr Stephen Lam, in the Legislative Council today (March 10):

Question:

Regarding the composition of the Legislative Council functional constituencies (FC), will the Government inform this Council:

(a) as recently there are views in the community that functional or community groups which are constituted on the basis of communities or economic entities such as teenagers, persons with disabilities, the elderly aged over 60, housewives, ethnic minorities, discharged prisoners, as well as small and medium enterprises (i.e. those with less than 20 employees and holding business registration certificates), may be more representative, of the detailed statistical information on the aforesaid communities and economic entities in 2004 and 2008, as well as the overall figure of their projected size in 2012; how this figure compares with the registered electorate of the five additional seats for district council FCs as proposed by the Government lately; whether it will examine which electorate base between them is more representative and meets the actual needs of society better; and whether it has considered allocating these five additional seats to functional or community groups comprising the aforesaid persons and enterprises; if it has not, whether it will do so immediately;

(b) whether it knows the numbers of Hong Kong permanent residents among the incumbent directors and managers of licensed travel agents, hotels and airlines, as well as their staff with work experience over five years and between one and five years; if such information is not available, whether it will compile or make an estimate of such figures immediately; whether the Government has considered altering the current electorate base for the tourism functional constituency (TFC), which comprises companies only, to one that includes directors, managers, senior staff or even all members of the trade, so as to render the seat for TFC more representative; if it has, of the outcome; if not, whether it will do so expeditiously; and

(c) whether it has assessed the shortcomings of electing Legislative Council Members by geographical constituencies through direct elections and evaluated whether and how the FC election with expanded electorate base can compensate for the shortcomings in this respect; if it has, of the outcome; if not, whether it will do so as soon as possible?

Reply:

Mr President,

(a) The figures relating to youth, home-makers, ethnic minorities, persons with disabilities and discharged prisoners who are aged 18 or above, as well as those on the elderly aged over 60 and small and medium enterprises are set out in the Annex that has been distributed to Members.

In the "Consultation Document on the Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012" (the consultation document) published in November last year, the HKSAR Government proposes that consideration may be given to

allocating the five new functional constituency (FC) seats to District Councils and having the seats returned through election by elected District Council members from among themselves. Elected District Council members are returned through one-person-one-vote by more than 3.3 million voters. This represents a very high proportion of the Hong Kong population and embodies different sectors within the community. This proposal, if adopted, will further enhance the democratic elements and representativeness of the Legislative Council (LegCo). By comparison, the various sectors and population of the community covered by this proposal is wider than the various groups referred to in the question.

(b) Under existing arrangements, the Travel Agents Ordinance regulates the travel agents; the Hotel and Guesthouse Accommodation Ordinance regulates the building and fire safety of hotel and guesthouse accommodation; and the Air Navigation (Hong Kong) Order 1995 regulates air operators with flights to and from Hong Kong. As these regulatory and licensing regimes do not cover the work experience of the managerial staff and employees in the relevant sectors, the Administration does not have the relevant statistics.

We have made it clear in the consultation document that we are inclined not to adopt the method of replacing "corporate votes" with "director's/executive's/association's/individual votes" to broaden the electorate base of FCs. This is because the process would be too complicated and involved the interests of many different sectors and individuals. The community has very diverse views about this proposal. There are views that no change should be made to the electorate base of FCs; there are views that the electorate base of FCs should be extended to more than 3.3 million registered voters. It would be very difficult for the community to reach consensus on this proposal.

(c) The seats returned by geographical constituencies (GC) through direct elections in the LegCo are returned by more than 3.3 million registered voters of Hong Kong and have a high level of representativeness. As for the 28 FCs in the LegCo, they are composed of the industrial and commercial sector, the professionals, the labour groups, and different sectors of the community. They have a sufficient level of representativeness. The current composition of the LegCo embodies both district views and aspirations, as well as those of different functional sectors. This accords with the principle of balanced participation.

According to the decision adopted by the Standing Committee of the National People's Congress in December 2007, the half-and-half ratio between members returned by GCs through direct elections and members returned by FCs shall remain unchanged. Through the discussions of the Commission on Strategic Development in 2008, the HKSAR Government conducted studies on how the electoral base of FCs for the LegCo election in 2012 should be broadened, with a view to enhancing the democratic elements of FCs. At that time, we had already considered various options.

The HKSAR Government has proposed in the consultation document that, for the LegCo election in 2012, consideration may be given to having the five new FC seats and the existing District Council FC seats returned through election by elected District Council members from among themselves. This will enable close to 60 per cent of the LegCo seats to be returned by GCs through direct or indirect elections. This can enhance the democratic elements of the election substantially. Having considered all relevant factors, we believe that this proposal can maintain the principle of balanced participation and stands the best possible chance of gaining consensus among the community.

As to the electoral arrangements for the LegCo after 2012, we consider that the community should continue the discussion on how the LegCo election in 2016 should be further democratised, and how

to attain universal suffrage for returning the LegCo in 2020 according to a method that will comply with the Basic Law and the principles of universality and equality.

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