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Dear CAB,

Please see my views as attached.

M. P. Luk

Appendix 5

Amendments to the Legislative Council

Amendments in respect of the Methods for
Selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008

(1) Proposed Amendment in respect of the Method for Selecting the Chief Executive in 2007

Area which may be considered for Amendment	Existing Provisions	Proposed Amendments	Reasons/Factors for Consideration of the Amendments
(1) The Number of Members of the Election Committee	The Election Committee shall be composed of 800 members.	3200 members	accelerate at geographical progression
(2) The Composition of the Election Committee	The Election Committee shall be composed of members from the following four sectors: <ul style="list-style-type: none"> • 200 members from the industrial, commercial and financial sectors • 200 members from the professions • 200 members from the labour, social services, religious and other sectors • 200 members from members of the Legislative Council, representatives of district-based 	800 members from each of the four sectors	Proportional expansion

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Areas which may be considered for Amendments	Existing Provisions	Proposed Amendments	Rationale/Factors for Consideration of the Amendments
(iii) The Number of Members of the Election Committee Required for Nominating Candidates for the Office of Chief Executive	<p>organizations, Hong Kong deputies to the National People's Congress, and representatives of Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference</p> <p>The above four sectors are in turn constituted by a total of 38 subsectors.</p>	<p>Not less than 100 but not more than 200 members</p>	<p>Over-whelming number of nominators may preclude other nominations as in the case of</p>

last election of the Chief Executive that was undesirable!

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Areas which may be considered for Amendment	Existing Provisions	Proposed Amendments	Rational Factors for Consideration of the Amendments
(iv) The Delineation and Size of the Election Committee of the Chief Executive	The four sectors of the Election Committee are constituted by a total of 36 members. The relevant compositions are specified in the Chief Executive Election Ordinance. At present, the Election Committee is constituted by election by around 165 500 voters.	Expand the number of voters four fold to something like 600,000.	A broader base is desirable.
(v) Others			

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(II) Proposed Amendments in respect of the Method for Forming the Legislative Council in 2008

Areas which may be considered for Amendment	Existing Provisions	Proposed Amendments	Rationale/Factors for Consideration of the Amendments
(I) The Number of Seats in the Legislative Council	The Legislative Council shall be composed of 60 members in each term.	30 seats	
(II) The Number of Seats Returned by Geographical Constituencies through Direct Elections	<p>For the third term Legislative Council, 30 seats are to be returned by geographical constituencies through direct elections, and there are to be five geographical constituencies. In general, the 30 seats are distributed among the constituencies in accordance with their population distribution. Details are as follows:</p> <p>(a) the Hong Kong Island geographical constituency to return 6 members;</p> <p>(b) the Kowloon East geographical constituency to return 5 members;</p> <p>(c) the Kowloon West geographical constituency to return 4 members;</p> <p>(d) the New Territories East geographical constituency to return 7 members; and</p>	40 seats	

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Areas which may be considered for Amendment	Existing Provisions	Proposed Amendments	Rationale/Factors for Consideration of the Amendments
	<p>(e) the New Territories West geographical constituency to return 8 members.</p> <p>(If the number of seats returned by geographical constituencies through direct elections is changed, the number of functional constituency seats must also be changed at the same time, so as to meet the requirement that these two categories of seat shall be equal in number.)</p>	<p>Same as above</p>	
<p>(ii) The Number of Seats Returned by Functional Constituencies</p>	<p>For the third term Legislative Council, 30 seats are to be returned through functional constituency elections.</p> <p>(If the number of functional constituency seats is changed, the number of seats returned by geographical constituencies through direct elections must also be changed at the same time, so as to meet the requirement that these two categories of seat shall be equal in number.)</p>		

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Area which may be considered for Amendment	Existing Provisions	Proposed Amendment	Rationale/Factors for Consideration of the Amendments
(iv) The Definition and Size of the Electorate of Legislative Council Functional Constituencies	<p>The Legislative Council Ordinance provides for the establishment of the following 28 functional constituencies:</p> <ul style="list-style-type: none"> (1) Heung Yee Kuk (2) Agriculture and Fisheries (3) Insurance (4) Transport (5) Education (6) Legal (7) Accountancy (8) Medical (9) Health services (10) Engineering (11) Architectural, surveying and planning (12) Labour (13) Social welfare (14) Real estate and construction (15) Tourism (16) Commercial (first) 	<p><i>Add:</i></p> <p><i>Senior citizens Representative (i.e. Over 65 years of age)</i></p>	

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Areas which may be considered for Amendment	Existing Provisions	Proposed Amendments	Rationale/factors for Consideration of the Amendments
	<p>(17) Commercial (second)</p> <p>(18) Industrial (first)</p> <p>(19) Industrial (second)</p> <p>(20) Finance</p> <p>(21) Financial services</p> <p>(22) Sports, performing arts, culture and publication</p> <p>(23) Import and export</p> <p>(24) Textiles and garment</p> <p>(25) Wholesale and retail</p> <p>(26) Information technology</p> <p>(27) Catering</p> <p>(28) District Council</p> <p>Except for the labour functional constituency which returns three members, all functional constituencies return one Legislative Council Member each.</p> <p>At present, there are around 160,000 electors for functional constituencies.</p>		

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Areas which may be considered for Amendment	Existing Provisions	Proposed Amendments	Rationale/Factors for Consideration of the Amendments
<p>(9) Provisions regarding Nationality Legislative Council Members</p>	<p>In connection with the provision of the Basic Law, the Legislative Council Ordinance allows Hong Kong permanent residents who are not of Chinese nationality or who have the right of abode in foreign countries to participate in the Legislative Council elections through the following 12 functional constituencies (which constitute 20 percent of the Legislative Council seats):</p> <p>(1) the legal/functional constituency;</p> <p>(2) the accounting functional constituency;</p> <p>(3) the engineering functional constituency;</p> <p>(4) the architectural, surveying and planning functional constituency;</p> <p>(5) the real estate and construction functional constituency;</p> <p>(6) the tourism functional constituency.</p>	<p>Reduce the 12 to 6 functional constituencies: i.e. No. 2, 3, 4, 5, 6, and 7 only.</p>	<p>We would not like foreign residents in the legal, industrial, financial, export and airport and insurance functional constituencies to sit in the Legco.</p>

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A case which may be considered for Amendment	Existing Provisions	Proposed Amendments	Rationale/Factors for Consideration of the Amendments
<p>✓</p>	<p>(7) the commercial (first) functional constituency; (8) the industrial (first) functional constituency; (9) the finance functional constituency; (10) the financial services functional constituency; (11) the import and export functional constituency; (12) the insurance functional constituency.</p>	<p>Expansion of the general election must be done very gradually.</p>	<p>Hong Kong cannot afford failures in constitutional reforms.</p>
(v) Others			

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