

8.00 pm

PRESIDENT: I am sorry. Would Members please deal with one piece of business. It is now eight o'clock and under Standing Order 8(2) this Council should now adjourn.

ATTORNEY GENERAL: Mr President, with your consent, I move that Standing Order 8(2) should be suspended so as to allow the Council's business this evening to be concluded.

Question proposed, put and agreed to.

Council went into Committee.

CHAIRMAN: Council is now in Committee and is suspended until 15 minutes to nine o'clock.

8.56 pm

CHAIRMAN: Committee will now resume.

MR MARTIN LEE (in Cantonese): Mr Chairman, thank you for adjourning the debate on my motion so that Members could have a supper break. I hope I can secure a greater chance of success if they listen to my speech after dining.

Mr Chairman, on behalf of the United Democrats of Hong Kong (UDHK), I move the amendments to clause 22 except item 12 of schedule 2. The amendments have already been set out under my name in the paper circulated to Members. Mr Chairman, before I make my speech, I would like to raise a point concerning Mr Jimmy McGREGOR because he was quite upset when he heard my previous speech. He hoped that I could clarify one point. In fact, I did not mean that all the people in the commercial sector had not supported democracy. If all the voters in the commercial sector had not supported democracy, Mr Jimmy McGREGOR would not have been returned in the 1988 and 1991 elections. During those two elections, I actually canvassed for him at the polling station. I think the voters were not brave enough to come near Mr McGREGOR and me and shake hands with us. The other candidate had a large electioneering team and a majority of voters went over to their side to shake hands with them while only a handful of them came to shake hands with us. For this reason, I first thought that Mr McGREGOR would definitely lose the election but the result turned out to be otherwise. The voters were not brave enough to shake hands with us probably because they were afraid of being

seen to do so. Yet, they were stout-hearted enough to vote for Mr McGREGOR and, as a result, he won in both elections.

Today when I heard Mr McGREGOR's speech and came to know his voting orientation, I was assured that I had not chosen the wrong person to offer my help. Although Mr McGREGOR is quite headstrong, which is typical of most Scots, ultimately he will still vote against this so-called 1994 package (including the proposed nine new functional constituencies). In this connection, I would like to pay tribute to Mr McGREGOR.

Mr Chairman, my proposed amendments seek to, as an overall aim, abolish the three seats representing the Urban Council, Regional Council and Rural (Heung Yee Kuk) Functional Constituencies and to replace them with three other new constituencies which represent respectively the students, the retired persons and the unremunerated persons including housewives. The UDHK consider the mode of functional constituency election not democratic enough. The franchises of most existing constituencies are too narrow while the basis of the demarcation of constituencies is not clearly defined. Worse still, it is against the principle of equity to give a handful of voters in the present 21 functional constituencies an extra chance to vote.

Mr Chairman, I can recall that I was returned through the Legal Functional Constituency when I first ran in the Legislative Council election and my good friend, Mr SZETO Wah, joined this Council through the Teaching Functional Constituency. This took place in 1985. Ever since then, we have been contesting direct elections. Yet, I feel quite uncomfortable with the remarks made in this Council by a considerable number of Members. They queried what sort of shortcomings could possibly be found in functional constituency election since both Martin LEE and SZETO Wah were returned through functional constituencies. For this reason, we, who happened to see eye to eye on this issue, decided to run for a seat otherwise than through the functional constituencies when direct election started to be put into practice. We can therefore at least rise to level a broadside against functional constituency election. Yet, if this system is improved, we will give our support despite the fact that our ultimate aim is the abolition of all functional constituency elections as early as practicable. For this reason, the UDHK support the Government's proposal of replacing all forms of corporate voting in the present 21 functional constituencies by individual voters so that it will enable more people to vote. The electorate of the nine new functional constituencies will be extended to the entire working population in Hong Kong and, therefore, the base of representation in terms of functional interests will be tremendously broadened.

However, there are still two drawbacks in the package proposed by the Government. First, to give voters who are employed and remunerated two votes to cast, namely in the direct election and election in any of the nine new functional constituencies, is still in breach of the principle of equity because this will mean that the unremunerated voters will be deprived of one chance to vote. Why should the criterion for determining whether one belongs to a functional

constituency hinge on whether one is remunerated? Please allow me to cite two examples. If Mrs Nicholas NG and Mrs LEUNG Chin-man do a lot of work at home but are not remunerated, they are not entitled to cast a second vote. Yet, just imagine that the situation is slightly modified to the extent that Mrs NG assists Mr LEUNG in cooking while Mrs LEUNG also assists Mr NG in cooking and, of course, they go back to their own homes after cooking and washing up. If these two ladies are remunerated, they will have a second chance to vote. Can their function be diminished if they cook at home? A moment ago I saw the Chief Secretary look at me smiling. I think she should understand that the arrangement in question is unreasonable. For this reason, I hope she will be able to influence the other two *ex officio* Members to vote for my amendments.

Furthermore, another drawback is that there is still room for improvement in the small coterie mode of elections in the Urban Council, Regional Council and Heung Yee Kuk. The electorate in these three constituencies consists of a virtually small number of people, namely 40 in the Urban Council and 36 in the Regional Council and up to now I am still not very clear about the size of the electorate in the Heung Yee Kuk. A research worker of the UDHK furnished me with two figures. The first one was 139. I asked the research worker to check up on it and afterwards he gave me the figure 112. I did consult the Secretary for Constitutional Affairs as well. In reply he said it should exceed 130 and later he gave me the figure 139 but with a question mark next to it. I, therefore, directly asked my colleagues from the Heung Yee Kuk. Their answer is around 157 people. This is merely an approximate figure because they indeed do not know how many members are JPs, that is, Justices of the Peace. What I find strangest is that I have asked so many people but none of them know exactly the total number of members in the Heung Yee Kuk. I think this is one of the drawbacks. The public will not support such a small coterie-based election. Among the existing functional constituencies, it is precisely these three constituencies which represent the smallest number of voters. Furthermore, their existence is also illogical. I believe the more experienced Members in this Chamber, that is to say, not to put too fine a point on it, the older Members, will recall that there were 12 seats returned by indirect election in 1985 when the election system was first introduced. Among these 12 seats, there were one for the Urban Council, one for the Regional Council and 10 being elected from district boards. These seats were indirectly elected and in the following election, the 1988 Legislative Council election, all the seats from district boards were abolished. However, the seats representing the Urban Council and Regional Council were retained. As the Government did not know what to do with these seats, it just put them under the fine-sounding category of functional constituencies. As a result, there are seats representing the Urban Council and Regional Council Functional Constituencies. As for the Heung Yee Kuk, it was an issue that came up afterwards. However, there is even a stranger point to note. Residents in villages or the indigenous villagers need a legislator to represent them in the Legislative Council but does it mean that people living in urban areas do not have such a need? This is virtually illogical. For this reason, I, on behalf of the UDHK, move that the aforesaid three functional constituencies be abolished and replaced by the three new constituencies

representing students, the retired persons and the unremunerated (including housewives) respectively.

The franchise as proposed in the UDHK's amendment will cover population aged over 18. Regardless of whether one is employed or remunerated, each voter can cast two votes. I think this is certainly fairer.

Mr Chairman, originally I intended to move another amendment. However, I must tell Members that I have some newest change to make which concerns the social services sector. The original motion is to terminate the eligibility of members of the boards of directors or management committees of organizations under the Hong Kong Council of Social Service to vote in the Social Services Functional Constituency. Now I withdraw this amendment. I think I have to frankly tell Members the reason behind it. It is because I learned from quite a number of channels that someone intended to make use of this amendment of mine to force individual Members to support a particular amendment package. In other words, if individual Members do not support that particular package, they will cast their votes for Martin LEE's amendment in order to hurt other Members.

Mr Chairman, I detest such kind of politics because this is not convincing others with reason but cornering others with force. Mr Chairman, I detest such kind of politics. I just feel that someone has intended to borrow my knife to drive others to bay or to kill them. Given such a situation, I can do nothing but to withdraw this motion, that is, to withdraw my knife, and tell the truth.

Mr Chairman, my decision to withdraw part of my amendments was made after careful consideration. I had, indeed, thought it over and over again from late last night till this morning. If I withdraw this amendment, I know I can create a free atmosphere in which Members who are brought under pressure for no reason at all will be able to vote of their own free will. Success is important but I think free will is even more important. Such a decision may disappoint some people. Yet, I hope they will understand that the outcome will be greater disappointment which is endless and long-lasting if we connive at such detestable politics.

I am willing to bear the attack and pressure from other people in order to secure an opportunity for Members to vote of their free will. My decision has won the support of the UDHK and the Meeting Point.

Mr Chairman, the focus of today's rounds of voting on the constitutional package, including the voting that took place earlier and, undoubtedly, the voting to be done later on as well as the very last voting, is on the so-called 1992 Patten Package or the 1994 Liberal Party package. No matter whether Members like it or not, a tug-of-war between these two packages will, as a matter of fact, inevitably take place. If we undertake to promote democracy instead of indulging in empty talk on ideals, we cannot avoid the voting issue. Once voting is to take place, we will have to make a choice between the two

packages which will compete in the last round of the tug-of-war. The UDHK and the Meeting Point will choose the Patten Package if all of the more democratic amendments are turned down.

Yet, we have to unite and bring our fullest strength to bear in opposing the Liberal Party's 1994 conservative package before the final decision is made. Now I withdraw part of my proposed amendments because we have already succeeded in mustering greater strength. We got the result of the voting before supper. I am willing to do so because this is a choice which is practical and conducive to our goal of fighting for democracy.

Mr Chairman, with these remarks, I withdraw part of my aforesaid amendments. I hope Members will support the other amendment proposed by me, that is, the creation of three new functional constituencies to replace the three original ones.

CHAIRMAN: Mr LEE, just to be quite sure, your motion is, as it stands at the top of page 10 of the script, that clause 22, except item 12 of schedule 2, be amended.

MR MARTIN LEE: Yes, that is right, Mr Chairman, and I give notice that in relation to the other part, I am giving notice to withdraw.

Proposed amendments

Clause 22

That clause 22 be amended, in the proposed Schedule 2 —

- (a) by deleting everything before item 4 of Part II and substituting -

“SCHEDULE 1 FUNCTIONAL CONSTITUENCIES		[ss. 4, 13, 15 & 46]
First column	Second column	Third column
Constituency	Electors	Number of elected Members
1. Retired Persons functional constituency	Relevant persons as provided for in paragraph 8(c) of the Notes to Schedule 1.	1