

## **Legislative Council Panel on Constitutional Affairs**

### **Constitutional Development Task Force**

#### **Progress of Work**

#### **Introduction**

The Constitutional Development Task Force (“the Task Force”) informed the Legislative Council (LegCo) Constitutional Affairs Panel on 17 May 2004 of the publication of its Third Report and briefed Members on the next stage of work (Paper no. CB(2)2333/03-04(03)). This paper informs Members of the progress of work since 17 May 2004.

#### **Seminars on Constitutional Development**

2. In order to encourage different sectors of the community to discuss the issues set out in the Third Report in a rational and pragmatic manner, the Task Force commissioned the Central Policy Unit to hold two seminars on 24 May and 11 June 2004 respectively. More than 240 participants attended these seminars, including Members of the Executive Council and Legislative Council, Chairmen and Vice-Chairmen of District Councils (DCs), Chairmen of Sub-committees of DCs, Election Committee Members, the academia, the legal and other professional sectors, the industrial and commercial sector, and representatives of think tanks, etc. Professor Edward Chen, President of the Lingnan University, and Dr Philemon Choi, Chairman of the Commission on Youth, were respectively the plenary chairman of the two seminars.

3. The above two seminars were organized in the form of group discussions, with each group comprising about 20 participants. The participants discussed and exchanged views on areas which might be considered for amendment in respect of the methods for the selection of the Chief Executive in 2007 and forming the Legislative Council in 2008. The facilitators of the groups reported to the plenary session on the outcome of discussion. The opening and reporting sessions of the seminars were open to the media.

4. The summaries of the reporting sessions of the two seminars are at Annexes A and B respectively for Members' reference. In order to allow more people to be informed about the key points made during the discussion, the summaries and video recording of the reporting sessions have been uploaded onto the Constitutional Development website (<http://www.cab-review.gov.hk>) for public information.

### **Next Steps**

5. The Task Force is planning to organize a number of cross-sector focus group discussions. We will invite individuals from different sectors of the community, such as professional bodies, community organizations, non-governmental organizations, religious organizations, educational organizations, minority ethnic groups, employers' associations and trade unions, to conduct in-depth discussion on the issues raised in the Third Report. We plan to hold the first focus group discussion before the end of June 2004.

6. In addition, we would continue to welcome written submissions and proposals from organizations and individuals on areas which may be considered for amendment as set out in the Third Report, as well as other related areas. The submissions could be put to the Task Force by post, facsimile or electronic mail.

Constitutional Development Task Force Secretariat  
Constitutional Affairs Bureau  
17 June 2004

**Seminar on Constitutional Development  
(24 May 2004)  
Group Discussion Summaries  
Red Group: Dr Philemon Choi**

(Translation)

**Method for Selecting the Chief Executive**

*The Number of Members of the Election Committee*

- Many participants hoped that the Election Committee could be expanded to more than 800 members, so that its composition could reflect broad participation by the majority of Hong Kong people.

*The Composition of the Election Committee*

- In terms of representation, many participants were concerned about the current composition of the four sectors of the Election Committee. From a structural point of view, the industrial, commercial and financial sectors were notably better represented, while the grassroots sector and the middle class were less well represented.
- A participant suggested that the Election Committee should be augmented with more District Council members because they could represent the majority of citizens. However, another participant pointed out that many voters only wanted to elect representatives to handle district issues on their behalf. If District Council members were given a say in selecting the Chief Executive, voters would have different considerations when casting their votes in District Council election.

*The Number of Members Required for Nominating Candidates*

- Many participants hoped that the threshold for candidature would be lowered. For example, the number of subscribers required could be reduced; alternatively each Election Committee member could be allowed to nominate more than one

person. This would enable more high-calibre people who are interested to participate in the Chief Executive election.

### ***The Delineation and Size of the Electorate of the Election Committee***

- Participants agreed that the electorate of the Election Committee should be broadened. In particular, special emphasis was placed on participation by the grassroots and the middle class sectors; the wider the participation, the better. Balanced participation was also emphasized.

### ***Others***

- There was a proposal that, instead of selecting the Chief Executive, the Election Committee should only nominate candidates. The nominees should then face all the citizens in order to ensure maximum participation of Hong Kong people within the confines arising from the absence of universal suffrage.
- It was proposed that the future Chief Executives should be allowed to retain their political party membership after nomination because it would help them secure a certain level of support in the Legislative Council.

## **Method for Forming the Legislative Council**

### ***The Number of Seats Returned by Functional Constituencies***

- A participant was of the view that many incumbent Legislative Council members returned by functional constituencies only represented the interests of their respective constituencies but not the interests of Hong Kong people as a whole.
- A participant supported increasing the number of seats returned by functional constituencies to include hitherto unrepresented sectors and to allow more public participation.

### ***The Delineation and Size of the Electorate of Legislative Council Functional Constituencies***

- Some participants strongly favoured the notion of “one person one vote”, given the fact that a small number of voters were entitled to two votes at present. However, there were others who thought that a “one person two votes” system could be implemented. Apart from direct elections, existing functional constituencies may be designed to expand the current electorate of 160,000 voters so as to allow balanced participation by more members of the public.

### ***Provisions regarding Nationality of Legislative Council Members***

- A participant was of the view that as Hong Kong was now a part of the People’s Republic of China, people who were not of Chinese nationality should not sit on the Legislative Council. There were, however, many other participants who expressed contrary views on the ground that, firstly, participation by people not of Chinese nationality was permitted by the Basic Law, and secondly, Hong Kong was an international metropolis that needed to have individuals with global vision sitting on its legislature. Most of the participants agreed that the status quo was worth maintaining, at least at the present stage.

### ***Others***

- Participants all hoped to bring about, as far as possible, balanced and broad participation so as to enable more participation by people from the grassroots and the middle class sector.

### **Other Views**

#### ***Promoting Discussion***

- Some participants would like to see seminars of this type to be extended to various districts so that people from different age groups (e.g. the elderly and young people) could air their views on constitutional development through dialogue.

### ***Participation of the Central Government***

- While a participant hoped that officials of the Central Authorities could be invited to take part in the discussion, some other participants expressed concerns that the presence of officials of the Central Authorities would give an impression that the discussion was led by the Central Authorities.

### ***Supporting “Software”***

- The question of supporting “software” was raised by some participants. Apart from the “hardware” (i.e. the election method), one should not overlook other related issues such as political research, the grooming of political talents, development of think tank and the existence of a narrow tax base, etc.

### ***Relationship Between the Executive and the Legislature***

- A participant opined that the relationship between the executive and the legislature should not be overlooked. Considerable tension now existed between the two. When deciding which election method to adopt, one must consider whether the method could ameliorate the problem.

**Seminar on Constitutional Development  
(24 May 2004)  
Group Discussion Summaries  
Blue Group: Professor K C Chan**

(Translation)

**Method for Selecting the Chief Executive**

*The Number of Members of the Election Committee*

- Many participants thought that the number of Election Committee members should be increased. Many participants said that the number could be doubled to 1,600, and participation from the professional sectors and small and medium enterprises (SMEs) should be enhanced. Some opined that the existing four sectors should be maintained but that there should be more representatives from the professional sectors and SMEs.

*The Number of Members Required for Nominating Candidates*

- Many participants wanted to see more candidates taking part in the election. Hence, there was a proposal that an upper limit be set on the number of subscribers required for nomination so as to allow more candidates to run for the election.

*The Delineation and Size of the Electorate of the Election Committee*

- There was a view that the electorate of the Election Committee itself could be expanded.

**Method for Forming the Legislative Council**

*The Number of Seats in the Legislative Council*

- Many participants agreed that the number of seats in the Legislative Council should be increased. There was also a view that the proportion set for 2007/08

could remain unchanged. We could move step by step towards direct election by increasing the number of directly elected seats.

- Many participants opined that the ratio of directly elected seats to functional constituency seats, which was laid down by the Central Authorities, should be further considered. This was because if universal suffrage were the ultimate goal, discussion should begin on when the ratio could be relaxed and what changes should be made in future.

#### ***The Number of Seats Returned by Functional Constituencies***

- Many participants agreed that the number of functional constituency seats could be increased if the size of Legislative Council were to be expanded. However, there was a divergence of views on how the increase should be achieved.

#### ***The Delineation and Size of the Electorate of Legislative Council Functional Constituencies***

- Many participants opined that there was a need to examine whether the existing functional constituencies could reflect the current economic situation. For example, we should consider what course Hong Kong was taking in pursuing economic development, and whether there should be a larger electorate for functional constituencies representing those sectors with higher output value and which employed a large number of workers.
- A participant remarked that, in view of the current situation of the functional constituencies, some sectors might have to be further divided in order to reflect the views of minorities.
- There was a view that the number of representatives of District Councils in the Legislative Council should be increased in order to enhance the representativeness of District Councils.



- As for the electorate of the Legislative Council, the majority of the participants advocated expanding the electorate so as to enhance the legitimacy and transparency of the election, and to groom more political talents for Hong Kong.
- Many proposed that functional constituency elections should, as far as possible, adopt “one person, one vote”, and that corporate votes should be reduced.

### *Others*

- Many proposed to increase the possibility for the middle class and the working class to take part in election or be elected. The participants would not like to see functional constituency seats taken up by people who already have high social standing in the community; rather, they would like to see more political talents groomed through elections.

### **Other Views**

#### *Constitutional Development Framework*

- Some participants opined that the framework laid down by the Central Authorities was inadequate. Without direct election, it would be difficult to hold the Administration accountable and to resolve the imbalance between the legislature and the executive. For example, if one party were to move too fast and the other too slowly, it would not be easy to improve the imbalance between the two.

#### *Improve the Legitimacy of the Administration*

- There was a view which held that, through constitutional development, the legitimacy and accountability of the Administration could be enhanced, and the principle of universal and fair election achieved. There was another view which expressed the hope that the Administration could make use of this opportunity to boost the public’s confidence in the government and to increase its transparency.

**Seminar on Constitutional Development  
(24 May 2004)  
Group Discussion Summaries  
White Group: Professor Edward Chen**

(Translation)

**Method for Selecting the Chief Executive**

*The Number of Members of the Election Committee*

- On the number of members of the Election Committee, some participants suggested an increase from 800 to 1,400, given that the fourth sector had no room for expansion other than to increase the number of District Council members. The membership of the other sectors could be doubled to make up a total of 1,400. However, some thought that 200 members should be added to each sector to make up a total of 1,600.
- One suggestion was to increase the size of the existing four sectors to 1,500 members. In addition, by modeling on the jury system, 500 members of the public could be selected randomly to represent the general public, thus forming a 2,000-member Election Committee. This would allow both the elite and the non-elite to take part in the selection for the Chief Executive.
- Another idea put forward was that the number of members was not important, 1,600 would probably be enough. The crux of the matter was how to elect the 1,600 members.

*The Number of Members Required for Nominating Candidates*

- On nomination, many participants wished to see more candidates. As each member of the Election Committee could only nominate one candidate, a ceiling could be imposed on the required number of subscribers for each candidate. There were suggestions to set the ceiling at 5%, some others suggested 100 members, whilst still some others proposed a ceiling of 200.

- Some participants suggested that a candidate must obtain a certain number of subscribers from each sector of the Election Committee. That is to say, he must have the support of all the sectors before he could be properly nominated.

### ***The Delineation and Size of the Electorate of the Election Committee***

- A participant suggested to elect 1,600 members from among 500,000 people. This was considered a suitable way to further develop Hong Kong's democratic system towards 2012 or beyond.
- Some participants considered that even if the number of Election Committee were 1,600, all of them should be elected by universal suffrage. Whether members of the Election Committee could be selected by universal suffrage in the light of the recent decision by the Standing Committee of the National People's Congress (NPCSC) might need further deliberations, because some people thought that it was not ruled out by the NPCSC decision.

### **Method for Forming the Legislative Council**

#### ***The Number of Seats in the Legislative Council***

- There were views that the number of Legislative Council Members should not be increased because it would involve an increase in the number of functional constituencies and such an increase, once introduced, would be very difficult to reverse.

#### ***The Number of Seats Returned by Functional Constituencies***

- Some participants said that the functional constituencies were very important. Even if there were universal suffrage in future, functional constituencies would still be needed. It was also pointed out that this would not go against the Basic Law because representatives from functional constituencies could be elected by universal suffrage.

- There were views that the number of functional constituency seats should be increased, for two reasons. First, there was a need for more Members to deal with the heavy workload of the Legislative Council. Second, there had been changes in the social structure over the years. There should be a re-assessment of the functional constituencies.
- Another view was that functional constituencies represented “free lunches”. The sooner they were eliminated, the better.

### *The Delineation and Size of the Electorate of Functional Constituencies*

- All the participants considered that there could be a comprehensive review of the functional constituencies in 2007/08. Some objective yardsticks should be adopted to determine whether certain functional constituencies should be retained. Since the economic structure had changed, flexible treatment was required.

### **Other Views**

#### *Universal Suffrage*

- A participant said that although there would be no universal suffrage in 2007/08, there might be full universal suffrage (or universal suffrage for most seats) in 2012 because the Basic Law had provided universal suffrage as the ultimate aim. If this was the case, we should take a big step forward in 2007/08. Otherwise, future progress would be very slow and there would also be a convergence problem.
- There was another suggestion that stability was of utmost importance. We should take a cautious, step by step approach in order to maintain stability and prosperity.

### *Timetable*

- There was another view which considered that a timetable was necessary because a lot of the discussion on constitutional development was related to the timetable. We must have a timetable so that we could see the issues more clearly.

**Seminar on Constitutional Development**  
**(24 May 2004)**  
**Group Discussion Summaries**  
**Yellow Group: Mr. Robert Chow**

(Translation)

**Method for Selecting the Chief Executive**

*The Number of Members of the Election Committee*

- Regarding the Election Committee, participants agreed that the number of members must be increased. There was no suggestion that the number should be reduced; nor did anyone suggest status quo. As to the number, there were suggestions that it should at most be increased to 1 600. On the issue of how these 1 600 members should be elected, participants were of the view that representativeness and a high level of participation were the most important considerations.

*The Composition of the Election Committee*

- Some opined that the most likely scenario was not to change the four sectors, since so doing might arouse disputes. Consideration should be given to the methods for electing more members to these sectors.
- Some participants suggested that District Council members should become members of the Election Committee since they were elected. Some disagreed on the ground that some District Council members were appointed. However, if all District Council members were directly elected, this idea could be explored. Some believed that when the public elected the District Council members, they had not elected them to elect the Chief Executive. Nor did the public know whether District Council members were competent to carry out such a duty.

### ***The Number of Members Required for Nominating Candidates***

- It was generally agreed that the number of Election Committee members required to nominate a Chief Executive candidate should remain unchanged or be reduced. Some even suggested that 50 subscribers would be sufficient. Even if the number of Election Committee members were increased to 1 600, the number of subscribers required to nominate a candidate should not be more than 100. Only one participant felt that the number should be increased to keep in line with the increase in the number of Election Committee members. All in all, the majority hoped that more candidates would come forward to run for the Chief Executive.
- A participant expressed that a candidate should be nominated by at least 25 members from each sector of the Election Committee. This was to ensure that the candidate received wide support instead of the support of only a particular sector.
- A participant felt that there might be problems if there were too many candidates and suggested that a round of preliminary election be considered.

### ***The Delineation and Size of the Electorate of the Election Committee***

- Participants agreed that the delineation and size of the electorate of the Election Committee should be enlarged as far as possible. Although the exact number was not mentioned, it was agreed that legitimacy was an important consideration.

## **Method for Forming the Legislative Council**

### ***The Number of Seats in the Legislative Council***

- The majority of participants thought that the number of seats in the Legislative Council could be slightly adjusted, meaning that the increase should not exceed 20 in total.
- The majority view was to increase “5 seats plus 5 seats”, i.e. a total of 10 seats. An important consideration that should be taken into account was the lack of space in the existing Legislative Council Building.

### ***The Number of Seats Returned by Geographical Constituencies through Direct Elections***

- Only one participant expressed his view on the number of seats returned by geographical constituencies through direct elections. He suggested that if the seats were to be increased by five, the simplest way to do so was to add one seat to each of the five existing constituencies.

### ***The Number of Seats Returned by Functional Constituencies***

- Participants could not come to a conclusion on the number of seats returned by functional constituencies. There were mainly two different opinions: one was to break up the functional constituencies because many sectors without much in common had been grouped together. Also, it seemed that some newly emerged sectors should not be grouped under an unrelated constituency. However, some thought that the representativeness of the functional constituencies would be lowered if their electorate were too small.

### ***The Delineation and Size of the Electorate of Functional Constituencies***

- Regarding the delineation and size of the electorate of functional constituencies, many were of the view that the right direction was to enlarge the scope and size



of the electorate as far as possible. Corporate votes should as far as possible be replaced by individual votes.

### ***Provisions regarding Nationality of Legislative Council Members***

- As for nationality, most participants opined that people holding foreign passports should no longer participate in the work of the Legislative Council. However, it was pointed out that the provision regarding nationality of Legislative Council Members was enshrined in the Basic Law. Should there be any changes, amendments would have to be made to the Basic Law.

### **Other Views**

#### ***Electoral System***

- It was proposed that the “multi-seat, single-vote” system, instead of the existing system of proportional representation, should be adopted in direct elections.

**Seminar on Constitutional Development**  
**(24 May 2004)**  
**Group Discussion Summaries**  
**Green Group: Mr. Lee Luen-fai**

(Translation)

**Method for Selecting the Chief Executive**

*The Number of Members of the Election Committee*

- The majority of participants would like to see an increase in the size of the Election Committee.
- A prevailing view among participants was that without an in-depth understanding of the operation of the political system as a whole, and without study and research, they could not possibly put forward any specific proposals right now. The implications of increasing the number of Election Committee members by one hundred or one thousand was not understood. Any suggestion on numbers would be arbitrary.
- It was hoped that in future the Government would provide more information in this regard so as to facilitate in-depth discussions among the general public or those who were interested in the subject.
- Some other options were suggested. One suggested that increasing the number by 200 every year or every term would suffice.

*Others*

- One proposal was to introduce a system of preliminary elections, similar to that in the United States.

## **Method for Forming the Legislative Council**

### ***The Number of Seats Returned by Functional Constituencies***

- An opinion expressed was that serving Legislative Council Members were burdened with heavy workload as they had to take part in many committees. Thus, many participants would like to see an increase in the number of functional constituency seats.
- However, some took the view that functional constituencies represented the interests of their respective functional bodies only. A participant thought that if we were moving towards universal suffrage and democracy, expanding the functional constituencies now might create an obstacle for the future.
- Whether for or against increasing functional constituency seats, participants were all looking forward to democratization, meaning that there should be more public participation in the Legislative Council. The functional constituencies should therefore be expanded.

### ***The Delineation and Size of the Electorate of Functional Constituencies***

- There was a specific proposal that if new functional constituencies were to be introduced, a constituency for housewives should be considered as they were being neglected and hitherto were not adequately represented in the Legislative Council.

### ***Others***

- A participant said that traditionally, Chinese leaders were elected or selected through two means: they either put themselves forward or were invited by “admirers” to take up the leadership. Noting that at present Hong Kong did not have a system featuring the “invitation” approach, he proposed that some Legislative Council seats be reserved for such purpose.

- A participant said that as incumbent Legislative Council Members were not serving on a full time basis, the amount of working hours that they devoted to the Council was insufficient. In view of this, some participants proposed that a full-time Member system should be developed so that Members could devote themselves full-time to the work of the Legislative Council.
- A participant was concerned that given the budget deficit, the Government might not be able to afford the expenditure if the number of seats were increased to 100.

### **Other Views**

#### ***Universal Suffrage***

- A participant regretted that universal suffrage would not be introduced for the election of the Chief Executive in 2007 and for forming Legislative Council in 2008. Another hoped that there would be universal suffrage for these elections from 2012 onwards.

#### ***Development of Political Parties***

- A participant opined that there should be more room for the development of political parties in Hong Kong. Allowing the Chief Executive to be a political party member would help strengthen his governance and authority. Without the support of political parties, the government had no support in the Legislative Council, and this made it difficult for the government to operate.

#### ***Advisory Bodies***

- A participant noted that the Government now had more than 400 advisory bodies. These bodies should be allowed to perform more functions in the political system, for example, by participating in the selection of the Chief Executive.

**Seminar on Constitutional Development**  
**(24 May 2004)**  
**Summing Up by Professor Edward Chen**

(Translation)

- After today's our discussion, I reckoned that Hong Kong people were able to sit together to discuss problems in a rational manner. Participation was enthusiastic. The atmosphere was very harmonious.
- Although there were different views, we shared the same goal. For instance, there had been no objection whatsoever to democracy. We differed only on the question of the pace of democratization and how it should be tackled. Everybody would like to move towards a more democratic political system.
- As regards the selection of the Chief Executive, there seemed to exist among the groups a strong consensus. There was a common wish that more people would participate as candidates, and that the representativeness of the candidates would be enhanced. In order to win the support of all sectors, there should be an increase in the membership of the Election Committee. It was also hoped that a more democratic method could be adopted to elect Election Committee members, thus allowing wider participation.
- Regarding the Legislative Council, there was of course much debate about the method for its formation. But it appeared that the majority view was in favour of an increase in the number of seats to help reduce the workload of the Legislative Council Members.
- The number of functional constituency seats might need to be increased. Now that a few years had passed after reunification, a review might be required to see what new sectors might be included in the functional constituency system, or whether consideration should be given to merging certain sectors.

- The discussion today was a very good start. For the first time, I saw Hong Kong people sitting together, calm and composed, to discuss an issue which was of great concern to all of us in a rational and enthusiastic manner. I thought the whole discussion was very good and hoped that this was only the beginning. This was also the wish of the Constitutional Development Task Force.

**Seminar on Constitutional Development  
(11 June 2004)  
Group Discussion Summaries  
White Group: Dr Philemon Choi**

(Translation)

**Method for Selecting the Chief Executive**

*The Number of Members of the Election Committee*

- The majority of participants agreed that the question was not about increasing the number of the Election Committee members but about expanding the electorate.

*The Composition of the Election Committee*

- Many participants were of the view that the representativeness of the subsectors could be broadened. However, some participants pointed out the constraint of the subsectors, for example, the subsectors could only represent the interests of their respective subsectors and did not necessarily represent the interests of Hong Kong people as a whole.
- Some participants from the commercial and business sectors opined that their sectors should be better represented since Hong Kong was an economic city.
- Some participants from the professional sector thought that the voice of the professionals was important, because Hong Kong was also a city of professionals.
- There was a view that the grassroot sector was not well represented in the Election Committee. There was another view that the representation of the middle class was inadequate.
- There was a view suggesting that a subsector for housewives should be introduced.

### ***The Delineation and Size of the Electorate of the Election Committee***

- Given the fact that the current electorate of the Election Committee was only 163 500, participants agreed that the representativeness of the Election Committee should be enhanced.

### **Method for Forming the Legislative Council**

#### ***The Number of Seats Returned by Functional Constituencies***

- Generally speaking, many participants hoped that the number of seats returned from functional constituencies could be increased (which meant that the seats returned from geographical constituencies would also be increased correspondingly).
- Those who held an opposite view pointed out that functional constituencies had two limitations. First, many representatives of the functional constituencies were not able to represent the view of the general public, but only their respective functional sectors. Second, a participant mentioned several times that members who returned from functional constituencies had a “veto power” in the Legislative Council.

#### ***The Delineation and Size of the Electorate of Legislative Council Functional Constituencies***

- Participants proposed the introduction of some new functional constituencies, representing mothers, cultural and arts, logistics and shipping. There was also a view that the sports subsector should have its own independent seat.

#### ***Others***

- Participants hoped that Legislative Council Members, no matter whether they were returned from geographical constituencies or functional constituencies, could widely represent the voice of the general public, and not just the interests of the minority.



### ***“Veto Power”***

- There was a view that the right to exercise the “veto power” by Legislative Council Members from the functional constituencies should be restricted so that it would not pose an obstacle when motions have to be passed.

### **Other Views**

#### ***Principle***

- Participants considered that there should be greater participation and representativeness in the method for the selection of the Chief Executive and the formation of the Legislative Council. There should be balanced participation and voices which represent the general public.
- Participants generally hoped that the method for the selection of the Chief Executive and the formation of the Legislative Council would progress gradually towards universal suffrage in a rational and step by step manner.

#### ***Relationship Between the Executive and the Legislature***

- Many participants hoped that the relationship between the executive and the legislature could be improved, and that both parties could communicate with each other and operate smoothly.

#### ***Supporting “Software”***

- The question of supporting “software” was raised by some participants in this and the last seminar. They pointed out that apart from the election methods, supporting “software”, such as the grooming of political talents, should not be overlooked.

**Seminar on Constitutional Development  
(11 June 2004)  
Group Discussion Summaries  
Yellow Group: Professor Peter Yuen**

(Translation)

**Method for Selecting the Chief Executive**

*The Number of Members of the Election Committee*

- Participants generally considered that the number of Election Committee members should be increased to enhance the legitimacy of the Chief Executive election.

*The Composition of the Election Committee*

- Participants generally considered that the electorate of the Election Committee should be expanded to enhance the legitimacy of the Chief Executive election. Participants agreed that District Council members should become ex-officio members of the Election Committee because elected District Council members were returned through universal suffrage.
- Participants generally considered that the middle class (including people at the management level) and the grassroots were inadequately represented in the Election Committee.

*The Number of Members Required for Nominating Candidates*

- Participants wished to see more candidates. Thus, they considered that the current requirement on the number of subscribers for each candidate should be reviewed.
- A participant suggested that the nomination of any candidate for the office of Chief Executive should be supported by a majority or a certain percentage of LegCo Members so that the legislature would not always be the opposition party.

## *Others*

- Some participants suggested that in order to be accountable to their electorates, members of the Election Committee should, when they ran for the membership of the Election Committee, explicitly state which candidates for the Chief Executive Office they would support. Technically, this could be achieved only if the candidates for the office of Chief Executive were known when the election of the Election Committee took place, and if the election of the Chief Executive were conducted by open ballot. However, some participants did not agree with this proposal.
- A participant proposed to review the requirement that the Chief Executive should not have any political affiliation.

## **Method for Forming the Legislative Council**

### *The Number of Seats in the Legislative Council*

- The majority of participants agreed that the number of seats returned by geographical constituencies and functional constituencies should be increased gradually.

### *The Delineation and Size of the Electorate of Legislative Council Functional Constituencies*

- The majority of participants opined that as a result of the transformation of our economy, the role of some sectors had become increasingly important. The delineation of functional constituencies should reflect these new developments.
- Some participants proposed to review whether the number of votes that a corporation had should be adjusted in accordance with the size of its staff.
- Some participants opined that there was also a need to review individual votes. Apart from a few major professional sectors, the remaining sectors were mainly represented by corporate votes. As more and more new professions, for example,

tour guides and real estate agents, emerged with their own registration systems, consideration should be given to increasing the number of individual votes.

### ***Scope of discussion***

- A participant opined that discussions should not focus only on the elections for 2007/08. There should be a clear long-term plan for constitutional development.

### ***Electoral System***

- A participant opined that the system of proportional representation adopted for the geographical constituencies election should be reviewed to allow for more independent candidates to be elected.

### ***Grooming of political talents***

- Participants generally agreed on the need to groom political talents as this was crucial to the quality and operation of the legislature.

### **Other Views**

#### ***Relationship between the Executive and the Legislature***

- A participant considered that the relationship between the executive and the legislature could be improved by enhancing person-to-person communication between officials of the executive and LegCo Members. The problem we had now might not necessarily be a systemic one.

#### ***The Accountability System***

- There was a suggestion to explore whether more posts could be taken up by politicians under the accountability system, or to introduce a system of junior ministers similar to that of other jurisdictions.

## **Constitutional Development Seminar**

**(11 June 2004)**

### **Group Discussion Summaries**

#### **Green Group: Prof K C Chan**

(Translation)

#### **Method for Selecting the Chief Executive**

##### *The Number of members of the Election Committee*

- The majority of participants supported an increase in the number of Election Committee members. Some suggested increasing it to 1 200. There was also a suggestion to increase it to 3 000. Many participants, though, thought that the figure itself was not important.
- Participants generally agreed that it was more important to enhance the representativeness of the Election Committee.

##### *The Composition of the Election Committee*

- Some participants thought that there were too many corporate votes under the present system. They suggested increasing individual votes.
- A participant concurred with a suggestion, raised at the last seminar, that the Election Committee might include a number of registered voters who were randomly selected.
- Many participants proposed to introduce a new sector on top of the existing four sectors, the members of which could be returned either by geographical election or by District Council members. This proposal involved fewer changes to the system, but could quickly expand the electoral base and enhance the representativeness of the Election Committee.

### ***The Number of Members Required for Nominating Candidates***

- A participant considered that there should not be any upper limit for the number of subscribers for a candidate.
- A participant proposed that candidates should be nominated by secret ballot.

### ***Others***

- Some participants opined that the Chief Executive should be allowed to maintain his political affiliation. It would be conducive to the development of party politics if the Chief Executive had party background. Party politics was not something to be scared of, but instead a reasonable development in the institutionalization of politics.
- A participant suggested implementing a cabinet system. Candidates contesting for the office of the Chief Executive should make known to the public the full or partial list of his cabinet, so that the public would know his election platform and team.

### **Method for forming the Legislative Council**

#### ***The Number of Seats in the Legislative Council***

- Many participants expressed the view that the number of seats should be increased. However, a participant pointed out that having too many Legislative Council Members might not necessarily be good as it might slow down the progress of work in the Council.

### ***The Delineation and Size of the Electorate of Legislative Council Functional Constituencies***

- Many participants raised the point that the delineation of functional constituencies should be scientific. It should reflect the current economic situation and the principle of balanced participation.
- Some participants thought that the current election method for functional constituencies was slanted towards members of corporations or chambers of commerce. This was unfair and adversely affected the legitimacy of functional constituencies. Hence, the electorates of functional constituencies should be suitably expanded.

### ***Provisions regarding Nationality of Legislative Council Members***

- Some participants suggested that, if the total number of Legislative Council seats were increased, the ceiling for the number of Legislative Council members with foreign nationality or right of abode should also be increased accordingly. However, some opined that according to the Basic Law, there was no need to raise the ceiling for the number of Legislative Council members with foreign nationality or right of abode even if there were an expansion in the membership of the Legislative Council.

### ***Others***

- A participant suggested that the size of geographical constituencies for direct election should be reduced so that some of the constituencies could have more distinct local characters. However, there was a dissenting view that in doing so, political parties might focus too much on local politics instead of the long term interests of Hong Kong.

- A participant proposed that, in order to attract more personalities with territory-wide recognition to participate in politics, direct election without geographical delineation should be considered.

### **Other Views**

#### ***Universal Suffrage***

- There was considerable discussion on whether universal suffrage was the same as one-person-one-vote.

#### ***The Third Report***

- Many participants pointed out that the Third Report of the Task Force provided the community with a framework and a principle, which was that universal suffrage would be achieved ultimately. From a positive point of view, we could move towards the goal of universal suffrage through increasing the representativeness of functional constituencies and the Election Committee.

#### ***Timetable***

- Some participants considered that if we were to discuss the Third Report, there should first of all be a timetable to let the public know when universal suffrage would be implemented.
- Some participants pointed out that the current discussion was only seeking to mend the system here and there; nothing much could be done. Some other participants opined that in view of the current political atmosphere, discussion on constitutional development should be held in abeyance, pending an improvement in the atmosphere.



**Seminar on Constitutional Development  
(11 June 2004)  
Group Discussion Summaries  
Blue Group: Professor Leung Ping-chung**

(Translation)

**Method for Selecting the Chief Executive**

*The Number of Members of the Election Committee*

- The majority of participants agreed that the number of Election Committee members should be increased. The existing figure of 800 was the bottom-line, but there were different views on the ceiling. Most participants agreed that considerations should be given to factors such as the actual proportion of the Committee's make-up, social changes, the development of the various sectors, and the needs of Hong Kong.
- Some participants echoed a proposal made at the last seminar that the number of Election Committee members should be increased to 1 600.
- Some participants said that the number to be increased was not the most important issue. Other issues, such as which sectors should be increased, how to increase, and the justification for the increase were more important. So was the need to act cautiously.
- A participant suggested adopting the American system of "electoral college".

*The Composition of the Election Committee*

- The majority of participants said that the restructuring and adjustment of the sectors in the Election Committee should be made in accordance with the actual situation and changes in Hong Kong. District Councils was one of the very important sectors.

- However, participants had diverse views about whether District Councils members should automatically be included in the Election Committee.

#### ***The Number of Members Required for Nominating Candidates***

- Most participants agreed that the number of subscribers should neither be too large nor too small. Upper and lower limits might be necessary.
- A participant suggested that candidates for the Chief Executive could be nominated first through a ballot among the Election Committee members, and then elected by 160 000 or 500 000 voters.

#### **Method for Forming the Legislative Council**

##### ***The Number of Seats in the Legislative Council***

- Some participants thought that the number of seats in the Legislative Council should be increased, but some thought that this was not an important issue.
- Participants accepted the existing ratio (1:1) of seats returned from direct election and functional constituencies respectively.
- A participant proposed to enhance District Councils' participation in the Legislative Council, for example by increasing 18 additional seats for District Council chairmen plus 18 additional seats for functional constituencies, or 50 additional seats for District Councils plus 50 additional seats for functional constituencies. However, the rationale and justification for these figures were not very clear.

#### **Other Views**

##### ***Principle of Constitutional Development***

- Participants agreed that constitutional development should move towards universal suffrage, and any proposal should aim at achieving this goal ultimately.

We had yet to reach the stage of universal suffrage, and a number of issues at various levels had to be addressed. However, some of the measures might be contradictory to the principle of universal suffrage. For instance, increasing the number of functional constituencies would slow down the implementation of universal suffrage.

### *The Underpinning Facility*

- Some participants highlighted the underpinnings necessary for electoral or constitutional reform, with a view to enhancing the knowledge of the general public on political structure and politics. These included education plans and reference to countries with long established democratic systems.

**Seminar on Constitutional Development  
(11 June 2004)  
Group Discussion Summaries  
Orange Group: Dr James Tang**

(Translation)

**Method for Selecting the Chief Executive**

*The Number of Members of the Election Committee*

- Many participants were of the view that the number of Election Committee members should be increased, but they had different views on how the increase should be made.
- Participants agreed that any proposal, regardless of the number to be increased, should be supported by clear justifications.

*The Composition of the Election Committee*

- Some participants proposed to include the directly elected District Council members in the Election Committee, i.e. an increase of 400 members. However, some participants raised objection to this proposal on the ground that when electors chose their District Council members, they did not expect that the District Council members would join the Election Committee. In overall terms, the proposed inclusion of District Council members in the Election Committee had considerable support.

*The Number of Members Required for Nominating Candidates*

- Participants had different views on this issue. There was a view which suggested nomination by proportion; another view suggested nomination by sectors. There was also a view that each Election Committee member could nominate two candidates. In overall terms, however, participants generally agreed that the most important point was that when nominating candidates, the

Election Committee members would genuinely represent their constituents and sectors and perform their duty according to their own conscience.

- A participant proposed that a prospective candidate should go through a “two-tier” system, i.e. a nomination process followed by a screening process, before he could become a candidate. Participants had diverse views on this proposal.

#### ***The Delineation and Size of the Electorate of the Election Committee***

- Some participants supported the expansion of existing sectors or the introduction of new sectors, such as sectors representing the middle-class, small and medium enterprises, logistics, professionals and semi-professionals, women and youth.

#### ***Others***

- Many participants supported the idea that the Chief Executive could have political affiliation.

### **Method for Forming the Legislative Council**

#### ***The Number of Seats in the Legislative Council***

- Most of the participants who supported an increase in the number of seats in the Legislative Council considered that both the number of seats for functional constituencies and for direct elections should be increased at the same time.
- A participant said that although an increase in the number of the seats for functional constituencies could satisfy the demand for greater participation, it would adversely impact on the attainment of the long term goal of universal suffrage.

### ***The Number of Seats Returned by Geographical Constituencies through Direct Elections***

- A participant opined that the size of geographical constituencies should be expanded.

### ***The Delineation and Size of the Electorate of Functional Constituencies***

- Regarding the increase in the number of functional constituency seats, the majority of participants suggested to include small and medium enterprises, such as representatives of industries.
- A participant suggested to provide a seat for the women sector. Another participant suggested to split up the existing “Sports, performing arts, culture and publication” sector.
- Despite their diverse views on the method for returning Legislative Council Members representing functional constituencies, participants all hoped to see a rationalization of the election method. Further deliberations would be necessary with respect to the specific measures.

### ***Provisions regarding Nationality of Legislative Council Members***

- Some participants considered that a number of seats in the Legislative Council should be given to Hong Kong permanent residents who were not of Chinese nationality or who had the right of abode in foreign countries, since Hong Kong was an international city. However, some participants objected because the arrangement would give rise to concerns about allegiance.

## **Other Views**

### ***Enhancement of Participation***

- Participants agreed that the breadth and depth of political participation should be increased and that the number of people taking part in the political system should be increased. However, they had different views on the specifics.

### ***Justification for Change***

- Participants agreed that there was a need to change the past arrangements into more reasonable new arrangements, but changes to be made had to be well-analyzed and justified.

### ***Constitutional Development Indicators***

- A participant suggested that some mechanism or indicators should be put in place, so that in the process of increasing elements of direct elections or the process of making orderly and gradual progress, we could measure the progress and achievements made.

### ***Breeding of Political Talents***

- Many participants agreed that the District Councils were important for grooming political talents and developing political parties.

### ***Participation of the Central People's Government***

- A participant opined that consideration should be given to the form of participation of the Central Authorities in Hong Kong's constitutional development.

**Seminar on Constitutional Development  
(11 June 2004)**

**Group Discussion Summaries  
Red Group: Mr Lee Luen-fai**

(Translation)

**Method for Selecting the Chief Executive**

*The Number of Members of the Election Committee*

- Participants generally agreed that the size of the Election Committee should be slightly expanded. As to the actual number of increase, some suggested 1 200, other 1 600 but the justifications were not provided.
- It seemed that the Government would need to conduct a more detailed research in this area to facilitate public discussion. It would be difficult for individuals to work out their own calculations based on sound theoretical and specific reasoning.
- A participant suggested that 70 instead of 800 members in the Election Committee would suffice. He suggested dividing the seven million people in Hong Kong into groups of 100 000. Each group would vote for one “elector”, a total of 70 “electors”. The Chief Executive would then be selected by means of an electoral college. However, there was no clear discussion amongst the participants on whether this was a form of indirect universal suffrage.

*The Composition of the Election Committee*

- A participant opposed to a suggestion, made at the last seminar, that certain Election Committee members could be returned by drawing lots. The reason given was that the Election Committee was an important component of Hong Kong’s political structure, it would be too casual if its members were to be chosen by drawing lots.



### ***The Number of Members o Required for Nominating Candidates***

- A participant opined that there was room to adjust the number of subscribers for nominating a candidate.
- A participant suggested that the number of subscribers could be set at 5% of the total number of the Election Committee, regardless of whether the size of the future Election Committee was 1 000, 1 600 or 3 200.

### **Method for Forming the Legislative Council**

#### ***The Delineation and Size of the Electorate of Legislative Council Functional Constituencies***

- Participants focused on which sectors should be added as functional constituencies. Some of the sectors suggested included Chinese medical practitioners, small and medium enterprise, and Mainland enterprises.
- There was a suggestion for a constituency for “students”, on the ground that young people were the future of our society. If we wanted to groom political talents in Hong Kong, students over 18 years of age should be given a seat.
- There was a view which supported the addition of a constituency for “community organizations”. According to information provided by a participant, the number of community organizations in Hong Kong was growing.
- Participants had diverse views on whether functional constituencies should adopt corporate voting or individual voting. Each side had its own justifications. There had been considerable debate on this issue in the community.

## **Other Views**

### ***Universal suffrage***

- Participants had different views on constitutional development and universal suffrage. A participant said that he basically objected to universal suffrage. However, since this was enshrined in the Basic Law, he had no choice but to accept it and would abide by it.
- A participant said that there were many “big crocodiles” in the economic arena, so was the case in the political arena. Despite the existence of “big crocodiles” in the political arena, we did not need to worry about it because over time problems would be resolved and balanced development achieved. He therefore thought that we could adopt a more liberal view on constitutional development.

### ***Other observations***

- I would like to put forward some observations. First, I felt that many participants came prepared. They seemed to have prepared a written position paper, and read it out in detail at the discussion. I thought that they were keen to have their views recognized and respected.
- Secondly, there were supporting and opposing views on each issue. There were divergent views on nearly every issue.

**Seminar on Constitutional Development**  
**(11 June 2004)**  
**Summing Up by Dr Philemon Choi**

(Translation)

- I thought that the atmosphere of today's seminar was enthusiastic and harmonious. The debate was conducted in a rational manner.
- I agreed with Mr. Lee Luen-fai that many participants came well-prepared in the sense that they set out their views in writing. Some of them even handed in their written submissions. This was a good sign because I believed that we should think more. The Task Force needed more people to put forth specific views and proposals.
- I would like to thank the Constitutional Development Task Force and the Central Policy Unit for holding these two seminars which provided a platform for participation by many people. For example, in my group, there were people from different sectors, ranging from people with ordinary background to the middle class, the academia, District Council members, the democratic camp and other political bodies. I hoped that this kind of seminar would continue to be organized.
- However, I believe that, we should not just wait for the Government to provide such platform, the community could also do so. I was responsible for youth affairs and would certainly provide many platforms for the younger generation to express their views. The participants who advocated the introduction of a new constituency for mothers might also consider providing platforms to gather views from mothers and housewives. This would help spread today's atmosphere, and the community could accommodate different views in a rational manner.
- In his opening remarks, the Chief Secretary said that it was our shared vision to maintain the core values of Hong Kong. The means for achieving this end

could be further discussed. But there were certain things we would continue to uphold. As was made clear earlier, this included enhancing legitimacy, representativeness and participation, as well as moving towards the ultimate goal of electing the Chief Executive and the Legislative Council by universal suffrage. The people of Hong Kong would be proud of Hong Kong not only on the economic and cultural fronts, but also on the political front.