

Legislative Council Panel on Constitutional Affairs

Review of and Public Consultation on Constitutional Development After 2007 – Preparatory Work

Introduction

In response to requests made by Members at the meeting held on 20 October 2003, this paper provides information on :

- (a) organizations which the Constitutional Affairs Bureau has met to discuss constitutional development issues, and preliminary observations on views gathered from these discussions; and
- (b) issues covered in the internal research being conducted.

Meetings with Organizations

2. The Administration has been handling the subject of constitutional development in the spirit of “widening the common ground, narrowing differences and building consensus” in the hope that different sectors in the community will participate in and contribute to the constitutional development review. We will make a decision before the end of 2003 on the timetable for the review and public consultation. Although public consultation has not yet started, we are preparing the necessary groundwork, including having meetings with different organizations to listen to their views on constitutional development.

3. In the past few months, we have met different organizations. Some of these meetings were organized in response to requests made by the respective organizations; others were initiated by us. In some meetings, constitutional development was the major topic discussed. Other meetings were part of our regular liaison work; and aside from constitutional development, the discussions covered a wider range of topics.

4. Organizations which we have met are of different backgrounds and cover different sectors, including political parties, trade unions and other organizations. The organizations we have met since June 2003 include:

(a) Political Parties and Political Groups

The Democratic Party

The Hong Kong Progressive Alliance

Hong Kong Association for Democracy and People's Livelihood

(b) Trade Unions

The Federation of Hong Kong and Kowloon Labour Union

The Hong Kong Federation of Trade Unions

(c) Other Organizations

Power for Democracy

Hong Kong Democratic Foundation

Chairmen and Vice-Chairmen of District Councils

District Councils: attending motion debates of different District Councils regarding the review of constitutional development

Heung Yee Kuk

Hong Kong Democratic Development Network

Civic Exchange

5. Through our meetings with different organizations, we have heard different opinions on constitutional development. These concern mainly two areas. On the timetable for the public consultation, some organizations take the view that we should start consultation as soon as possible, while others consider it more appropriate to start the process after the Legislative Council (LegCo) elections in September 2004.

6. The other major topic covered in our discussions with various groups and organizations concerns electoral systems. In general, political parties and organizations which have participated in direct elections hope that the number of directly elected seats in LegCo can be increased after 2007. On the other hand, representatives of other organizations and sectors are of the view that functional constituency seats should be maintained, because these constituencies reflect the interests and demands of important sectors of the community and have made useful contribution to the work of LegCo.

7. All these views are very useful to us. We will continue to liaise with different sectors and organizations.

Internal Research

8. Apart from meeting with different organizations, we are continuing with our internal research on constitutional development. The issues mainly cover two areas.

9. First, we have examined paragraph 7 of Annex I to the Basic Law to consider whether the method for selecting the Chief Executive in 2007 may be amended. We have conducted detailed internal research and have sought legal advice from the Department of Justice. Our conclusion is that if there is a need, amendment to the method for selecting the third term Chief Executive in 2007 may be considered. However, any proposal put forth must be handled in accordance with the principle of gradual and orderly progress and in the light of the actual situation in Hong Kong as stipulated in the Basic Law, and according to procedures and requirements set out in Article 45 and Annex I of the Basic Law.

10. Our internal research also covers Annex II to the Basic Law on the method for the formation of LegCo. As the fourth term LegCo will be formed in 2008, the term “subsequent to the year 2007” certainly covers the fourth term.

11. The other area of research concerns practical electoral arrangements. LegCo Members and other parties have suggested previously that various electoral arrangements should be reviewed. We have undertaken that in conducting the constitutional development review, we would consolidate our experience. Some examples of these electoral arrangements include:

(a) Voter Registration

Every year we conduct a voter registration campaign. Through various promotional activities, we encourage eligible citizens to register as electors. However, there have been suggestions that such campaigns require considerable resources and may not be the most effective way for boosting the voter registration rate. It has been suggested that we should consider introducing automatic voter registration. Up to now, we have not adopted

the suggestion, as we believe those eligible should exercise their personal choice on whether to register as an elector. Further, the suggestion could lead to the question of infringement of privacy.

(b) Population in Geographical Constituencies

At present, the population in each geographical constituency varies between one million and two million. There have been suggestions that we should consider adjusting the configuration of the constituencies so as to distribute the population more evenly.

(c) Voting Arrangements

There have been suggestions that we should consider making alternative arrangements to facilitate electors who cannot turn up at the designated polling stations on the polling day to vote.

12. Internal research on these issues enables us to better grasp and understand the range of issues which may be included in the constitutional development review, and to better prepare for the public consultation due to start in 2004.