

The Fourth Report of the
Constitutional Development Task Force

**Views and Proposals of Members
of the Community on the Methods
for Selecting the Chief Executive in 2007 and
for Forming the Legislative Council in 2008**

December 2004

Content

Chapter One :	Introduction	1
Chapter Two :	Public Consultation on the Third Report	4
Chapter Three :	Method for Selecting the Chief Executive	9
(I)	The Number of Members of the Election Committee	9
(II)	The Composition of the Election Committee	11
(III)	The Number of Members of the Election Committee Required for Nominating Candidates for the Office of Chief Executive	15
(IV)	The Delineation and Size of the Electorate of the Election Committee	17
(V)	Other Issues	18
(VI)	Summary of Views and Proposals	19

Chapter Four :	Method for Forming the Legislative Council	22
(I)	The Number of Seats in the Legislative Council	22
(II)	The Number of Seats Returned by Geographical Constituencies through Direct Elections	24
(III)	The Number of Seats Returned by Functional Constituencies	24
(IV)	The Delineation and Size of the Electorate of Functional Constituencies	27
(V)	Provisions regarding Nationality of Legislative Council Members	29
(VI)	Other issues	31
(VII)	Summary of Views and Proposals	33
Chapter Five :	Way Forward	37
Appendices I to II (separate booklets)		
Appendix III		41

Chapter One : Introduction

- 1.01 On 7 January 2004, the Chief Executive established the Constitutional Development Task Force (“the Task Force”) to examine in-depth the relevant issues of principle and legislative process in the Basic Law relating to constitutional development, to consult the relevant departments of the Central Authorities, and to listen to the views of the public. The Task Force is headed by the Chief Secretary for Administration and its members include the Secretary for Justice and the Secretary for Constitutional Affairs.
- 1.02 Since its establishment, the Task Force has published three reports in March, April and May this year. The First Report focused on the issues of legislative process in the Basic Law relating to constitutional development. The Second Report focused on the issues of principle in the Basic Law relating to constitutional development.
- 1.03 The Task Force published its Third Report this May, with a view to soliciting views and proposals from the community on how the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008 might be amended. In accordance with the relevant provisions of the Basic Law and the “Decision of the Standing Committee of the National People’s Congress on issues relating to the methods for selecting the Chief Executive of the Hong Kong Special Administrative Region in the year 2007 and for forming the Legislative Council

of the Hong Kong Special Administrative Region in the year 2008” (hereafter referred to as “the Decision”^{note 1}), the Third Report sets out a number of areas which may be considered for amendment in regard to the method for selecting the Chief Executive and the method for forming the Legislative Council. The public consultation exercise lasted more than five months. This Report aims to set out and summarize the views and proposals collected from the community during the consultation period.

^{note 1} On 26 April 2004, pursuant to the relevant provisions of the Basic Law and “The Interpretation by the Standing Committee of the National People’s Congress of Article 7 of Annex I and Article III of Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China”, the Standing Committee of the National People’s Congress made the following Decision :

- (1) The election of the third Chief Executive of the Hong Kong Special Administrative Region to be held in the year 2007 shall not be by means of universal suffrage. The election of the Legislative Council of the Hong Kong Special Administrative Region in the fourth term in the year 2008 shall not be by means of an election of all the members by universal suffrage. The ratio between members returned by functional constituencies and members returned by geographical constituencies through direct elections, who shall respectively occupy half of the seats, is to remain unchanged. The procedures for voting on bills and motions in the Legislative Council are to remain unchanged.
- (2) Subject to Article 1 of this Decision not being contravened, appropriate amendments that conform to the principle of gradual and orderly progress may be made to the specific method for selecting the third Chief Executive of the Hong Kong Special Administrative Region in the year 2007 and the specific method for forming the Legislative Council of the Hong Kong Special Administrative Region in the fourth term in the year 2008 according to the provisions of Articles 45 and 68 of the Hong Kong Basic Law and the provisions of Article 7 of Annex I and Article III of Annex II to the Hong Kong Basic Law.

- 1.04 The Task Force has not come to a position on how the two methods may be amended. We believe that the views collected will facilitate the next stage of discussion on constitutional development. We hope that different sectors of the community will have further in-depth discussions, in a rational and practical manner, on feasible proposals regarding how the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008 may be amended, with a view to reaching a broad consensus to take forward Hong Kong's constitutional development.
- 1.05 The Task Force would like to emphasize that any proposals that are inconsistent with the provisions of the Basic Law or the Decision of the Standing Committee of the National People's Congress (NPCSC) will not be processed further.
- 1.06 In addition, the Decision of the NPCSC of 26 April this year has determined that appropriate amendments may be made to the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008. Therefore, the Task Force considers that its future work should focus on these two electoral methods.

Chapter Two : Public Consultation on the Third Report

- 2.01 On 11 May, the Task Force issued its Third Report and commenced collecting views and proposals from different sectors of the community on the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008. The consultation period started on 11 May and ended on 15 October, covering more than five months.
- 2.02 On 17 May, the Task Force briefed the Legislative Council Panel on Constitutional Affairs on the Third Report and its work. At Panel meetings held on 21 June, 18 October, and 15 November, the Task Force provided further briefings on its progress.
- 2.03 The Task Force used various means to openly and widely collect views from different sectors of the community. The Task Force appealed to organisations and individuals to forward, by post, facsimile or e-mail, their views and proposals on issues set out in the Third Report or any other related issues. During the consultation period, more than 480 written submissions were received.

2.04 In addition, the Task Force has organised a number of seminars and group discussions, including the following :

- (1) To facilitate discussion in a practical manner by different sectors of the community on the issues set out in the Third Report, the Task Force commissioned the Central Policy Unit to organise two seminars. These were held on 24 May and 11 June respectively. More than 240 people took part, including Members of the Executive Council, Members of the Legislative Council, Chairmen and Vice-Chairmen of District Councils, Chairmen of District Council Committees, members of the Election Committee, academics, as well as representatives of think tanks, the legal sector and other professions, the industrial and commercial sector, community groups, trade unions, social service agencies and non-governmental organisations.
- (2) To promote further in-depth and focused discussions, the Task Force commissioned the Central Policy Unit to organise three focus group discussions. These were held on 25 June, 26 July and 23 August. Participants from different sectors were invited, including professional bodies, community organisations, non-governmental organisations, religious bodies, education bodies, ethnic minorities, employers'

associations, employees' associations, and chambers of commerce.

- (3) To encourage young people to voice their opinions, the Task Force commissioned the Central Policy Unit to organise a focus group discussion for young persons on 11 August. Participants included students, representatives from youth services groups, working youths and young professionals.
- (4) The Task Force also commissioned the Home Affairs Department to organise four regional fora that were held on Hong Kong Island and in Kowloon, the New Territories East and the New Territories West. Participants included Chairmen and Vice-Chairmen of District Councils, District Council members, members of Area Committees, students, as well as representatives of women's groups, elderly groups and other district organisations.
- (5) In addition, the Home Affairs Department invited middle-class and local residents to attend two focus group discussions.

The above seminars and group discussions were attended by different sectors of the community. To enhance transparency, the media were invited to cover the reporting sessions of the two seminars and the focus group discussion for young persons organised by the Central Policy Unit, as well as the four regional fora organised by the Home Affairs Department. The group discussion summaries have all been uploaded onto the Constitutional Development Website (www.cab-review.gov.hk) for public reference.

2.05 The views and proposals collected on the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008 are included in the following appendices:

Appendix I – written submissions from members of the community, including copies of submissions forwarded by e-mail and facsimile.

Appendix II – main points put forward by members of the community during seminars, group discussions and regional fora, including :

- (i) discussion summaries of the two seminars held on 24 May and 11 June;
- (ii) discussion summaries of the three focus group discussions held on 25 June, 21 July and 23 August;

- (iii) discussion summaries of the focus group discussion for young persons held on 11 August;
- (iv) discussion summaries of the four regional fora held on 14 July (New Territories West), 19 July (Kowloon), 21 July (Hong Kong Island), and 28 July (New Territories East) ; and
- (v) discussion summaries of the two focus groups on 23 and 30 July.

The appendices can be viewed at District Offices, or the Constitutional Development Website.

2.06 Apart from the views included in Appendices I and II, the Task Force continued to receive submissions from different sectors of the community on the two electoral methods after the consultation period deadline of 15 October. Since these views were received after the deadline, we have not reflected them in Chapters Three and Four of this Report. Nevertheless, the Task Force has included copies of these written submissions in the Addendum to Appendix I so that different sectors of the community could refer to them when further discussing the issues. The Task Force will deal with these views together with others when preparing the Fifth Report.

Chapter Three : Method for Selecting the Chief Executive

3.01 The Constitutional Development Task Force sets out in its Third Report a number of areas which may be considered for amendment in respect of the method for selecting the third term Chief Executive in 2007. This Chapter provides an account of the views, and their justifications, mentioned more frequently by the public on these areas. The full set of views received by the Task Force is included in Appendices I and II to this Report.

(I) The Number of Members of the Election Committee

3.02 In regard to the number of Election Committee members, there are many views that it should be increased. The main justifications include :

- (1) to allow wider community participation, including representatives of different strata of society;
- (2) to enhance the representativeness and legitimacy of the Election Committee; and
- (3) to serve as a transitional arrangement leading to universal suffrage.

- 3.03 On specific numbers, there are quite a number of views which suggest an increase to 1 200. There are also many views which suggest an increase to 1 600. The reasons are that an expanded Election Committee would allow greater participation by more people from different sectors of the community, enhancing the representativeness and broadening the electorate base of the Election Committee. There are views that such an increase would be in keeping with the principle of gradual and orderly progress.
- 3.04 There are also various views that the number of Election Committee members should be increased to 2 000 or more, but views on specific number are quite diverse.

(II) The Composition of the Election Committee

3.05 In accordance with Annex I to the Basic Law, the Election Committee is composed of members from the following sectors:

- Industrial, commercial and financial sectors 200
- The professions 200
- Labour, social services, religious and other sectors 200
- Members of the Legislative Council, 200
representatives of district-based organisations,
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

3.06 In regard to the current composition of the Election Committee, there are quite a number of views that consideration should be given to increasing the number of subsectors, or splitting or reorganising existing subsectors, so as to reflect the development of the community. There are views that data on employment distribution by sectors compiled by the Census and Statistics Department should be used as a basis for considering new subsectors to be included. There are views that the number of members allocated to certain existing subsectors are not in proportion to their respective electorate sizes, and that the number allocated to these subsectors should more closely reflect respective electorate sizes.

- 3.07 There are views that the existing composition of sectors should remain unchanged, since any alteration may give rise to more disputes. However, even if the composition of the sectors is to be preserved, an adjustment of electorate size within the sectors could be considered.
- 3.08 There are many views that the number of District Council members in the Election Committee should be increased, with some suggesting that all District Council members be included. The rationale behind these views is that District Council members have a public mandate; with enhanced participation of District Council members in the Election Committee, the representativeness and legitimacy of the Chief Executive so elected would be enhanced. However, there are views that appointed District Council members should not be included.
- 3.09 There are views that the number of District Council representatives in the Election Committee should not be increased because District Council members should focus on district matters. In addition, when District Council members were elected, voters did not know that more District Council members could be included in the Election Committee. If they had known, voters may have had different considerations when casting their ballots.

3.10 There are also the following views regarding the composition of the Election Committee subsectors :

- (1) There are views that representation of the middle class and the professions in the Election Committee should be increased. This would enhance their participation and also reflect their important contribution to the Hong Kong economy.
- (2) There are quite a number of views that representation of the grassroots sector should be increased, so as to enhance the representativeness of the Election Committee and to broaden its electorate base. For example, a new subsector of district organisations including owners' corporations, mutual aid committees, kaifong associations and area committees could be formed.
- (3) There are quite a number of views that the Election Committee should include representatives of the general public who could be selected through random sampling or by geographical constituency elections.
- (4) There are views that a new subsector for women or women's organisations should be established to reflect the views and interests of women. There are views that a new subsector for youth and students should be established to enhance their political awareness.

- (5) There are views that a new subsector for small and medium enterprises be established, the reason being that there is a great number of these enterprises and they make a significant contribution to the economy, yet they are currently under-represented in the Election Committee.

- (6) There are views that representation of Chinese medicine practitioners/the Chinese medicine industry be enhanced, in view of the sizable number of registered Chinese medicine practitioners and the professionalisation of the Chinese medicine industry.

- (7) There are views that a new subsector for the elderly should be established, the rationale being that the elderly make up and represent a considerable proportion of our population.

3.11 Apart from the subsectors mentioned above, there are dozens of other suggestions on new subsectors proposed by individuals and organisations. These can be found in Appendices I and II.

(III) The Number of Members of the Election Committee Required for Nominating Candidates for the Office of Chief Executive

3.12 Annex I to the Basic Law provides that candidates for the office of Chief Executive may be nominated jointly by not fewer than 100 members of the Election Committee. Each member may nominate only one candidate.

3.13 The following views are on the number of members required for nomination :

- (1) There are quite a number of views that the current requirement of not fewer than 100 subscribers should be maintained. The rationale is that this is a suitable threshold to ascertain the level of support enjoyed by a potential candidate. Such a threshold also makes it possible for several candidates to contest the election. Besides, if the total number of Election Committee members is increased, the threshold in proportional terms will in practice be lowered.
- (2) There are many views that the number of subscribers should be reduced to make it possible for more potential candidates to contest the election.

- (3) There are views that the number of subscribers required should be maintained at the ratio of one-eighth of total membership; if the number of Election Committee members is increased, the number of subscribers should also be increased to ensure that candidates have sufficient support.
- 3.14 There are views that candidates should be required to secure a certain number of nominations from each of the four sectors to ensure they have broad support and recognition.
- 3.15 There are views that an upper limit should be set for the number of subscribers required so that more potential candidates could have an opportunity to be nominated.
- 3.16 There are views that Election Committee members may nominate more than one candidate, so that more potential candidates would have an opportunity to contest the election. However, there are opposing views that a Committee member nominating more than one candidate may give rise to conflicting support for the candidates.

(IV) The Delineation and Size of the Electorate of the Election Committee

3.17 There are quite a number of views that the size and scope of the Election Committee electorate should be broadened to enhance its representativeness, and to allow wider participation in the Chief Executive election by different strata of the community. Please refer to paragraphs 3.06 – 3.11 regarding the specific proposals.

Replacing Corporate Voting by Individual Voting

3.18 There are views that consideration should be given to replacing corporate voting by individual voting in the subsector elections of the Election Committee (for example, by giving voting rights to directors of the relevant corporations and to employees of the relevant subsectors). The reasons include the following :

- (1) the new electors to be included will represent more widely the views of the relevant industries or subsectors. This will broaden the electorate base of the subsectors, and will enhance overall participation as well as the legitimacy of the election; and
- (2) with the change to individual voting, owners of corporations and responsible persons of organisations could continue to be electors in the relevant subsectors.

(V) Other Issues

Political Affiliation of the Chief Executive

3.19 There are views that the current requirement that the Chief Executive shall relinquish his or her political affiliation, if any, upon being elected should be abolished. The reasons are that if the Chief Executive has the support of his/her political party, the Legislative Council members of the same party could help promote government policies, resulting in better governance; besides, this will be conducive to grooming political talent by political parties, and the recruitment of political talent by the government.

Timetable for Constitutional Development

3.20 There are quite a number of views that a timetable should be set for the selection of the Chief Executive by universal suffrage. This will help the public understand the blueprint for constitutional development, so that political disputes could be reduced, consensus built, and preparatory work done in good time by relevant parties. However, there are opposing views that it is premature and impractical to set out a timetable as the community is changing rapidly.

3.21 There are many views that the Chief Executive should be returned by universal suffrage in 2007. As this proposal is inconsistent with the Decision of the Standing Committee of the National People's Congress, the Task Force will not process it further.

(VI) Summary of Views and Proposals

3.22 Different sectors of the community have put forward valuable views on the method for selecting the Chief Executive. Our preliminary summary includes the following main points :

(1) The Number of Members of the Election Committee

- To increase the number of Election Committee members, so as to allow wider participation by different strata of the community in the election of the Chief Executive. More views are for increasing the number to 1 200 or 1 600.

(2) The Composition of the Election Committee

- To suitably adjust the composition of the subsectors of the Election Committee with a view to further enhancing its representativeness. There are many views that more District Council members should be included in the Election Committee.

(3) The Number of Members of the Election Committee Required for Nominating Candidates for the Office of the Chief Executive

- Views remain diverse on the number of the Election Committee members required for nominating candidates.
- To require candidates to have a certain degree of support in each sector to ensure they have broad cross-sectoral support.
- To set an upper limit on the number of subscribers required which would be conducive to having more than one candidate to contest in the election.

(4) The Delineation and Size of the Electorate of the Election Committee

- To broaden the scope and the size of the electorate. However, there are numerous specific proposals and views are diverse.
- There are views that consideration should be given to replacing corporate voting by individual voting in the subsector elections of the Election Committee.

(5) Others

- To examine whether to abolish the requirement that the Chief Executive elect must relinquish his or her political affiliation.
- To consider setting out a timetable for introducing universal suffrage.

Chapter Four : Method for Forming the Legislative Council

4.01 The Constitutional Development Task Force sets out in its Third Report a number of areas which may be considered for amendment in respect of the method for forming the Legislative Council. This Chapter provides an account of the views, and their justifications, mentioned more frequently by the public on these areas. The full set of views received by the Task Force is included in Appendices I and II to this Report.

(I) The Number of Seats in the Legislative Council

4.02 There are differing views among members of the community as to whether the number of seats for the fourth term Legislative Council in 2008 should be increased. There are many views that the number of seats should be increased. The main reasons are as follows :

- (1) to enhance further the representativeness of the Legislative Council;
- (2) to enable more people to participate in politics, so as to nurture more political talent in preparation for universal suffrage in future; and

- (3) to meet the operational requirements of the Legislative Council, improve the quality and efficiency of its service, and enhance its effectiveness in monitoring the performance of the government.

4.03 At the same time, there are many views that the number of Legislative Council seats should remain unchanged. The reasons are as follows :

- (1) an overall increase in the number of seats will inevitably lead to an increase in the number of functional constituency seats. This is inconsistent with the ultimate aim of universal suffrage as prescribed under the Basic Law, and it will be more difficult to abolish the newly-created functional constituencies in future;
- (2) too many members in the Legislative Council will hamper its efficiency; and
- (3) additional public expenditure will be incurred at a time when the SAR Government is already facing fiscal deficit .

4.04 If the number of Legislative Council seats is to be increased, there are quite a number of views that it should be increased to 70 seats to enhance the representativeness of the Legislative Council, to share the workload of the Legislative Council, and to encourage more people to run in the election. There are also quite a number of views that it should be increased to 80. The

rationale is that Hong Kong's projected population could reach 8 million, and if all the seats are returned by direct election in future, then each seat will represent some 100 000 people. There are also views that the number of seats should be increased to 100 to recruit more political talent and to accommodate different voices of the community.

(II) The Number of Seats Returned by Geographical Constituencies through Direct Elections

4.05 Among views supporting an increase in Legislative Council seats as expressed in paragraphs 4.02 and 4.04, there is a specific proposal to increase to 35 the number of seats returned by geographical constituencies through direct elections. This would see one additional seat in each geographical constituency. There are also views that the five additional seats should be allocated in proportion to population. There are quite a number of views that the number of seats returned by geographical constituencies should be increased to 40 so that each geographical constituency could have two additional seats. There are also views that these additional seats should be allocated in proportion to population.

(III) The Number of Seats Returned by Functional Constituencies

4.06 There are quite a number of views that a suitable increase in functional constituency seats should be made in light of the actual situation in Hong Kong. The reasons are :

- (1) if sectors previously not represented could be included, this would widen public participation and enhance the representativeness and legitimacy of the Legislative Council;
- (2) more opportunities could be provided for representatives of different sectors and strata to participate in politics, so that their views could be more fully reflected and their role in monitoring the performance of the government enhanced; and
- (3) to complement the inadequacies of geographical constituency elections.

4.07 As regards specific proposals, there are quite a number of views that the number of functional constituency seats should be increased, from 30 seats at present to 35 or 40 seats respectively. The reasons are that this will be conducive to accommodating the representation of various strata of society in the political system, and that new functional constituencies could be included to reflect changes in Hong Kong's socio-economic structure.

4.08 There are many views that existing functional constituencies should be reorganised, split or merged. The reasons are :

- (1) sectors with small electorate size may be merged, and sectors of a similar nature may be reorganised to make room for new sectors, so that there will be a balance of interests and participation; and

(2) to reflect social development and changes in the economic structure.

4.09 There are views that when considering whether a particular functional constituency should be retained or abolished, the criteria could include factors such as the number of persons engaged in the trade and the number of persons affected, the economic value of the sector, economic development potential of the sector, and the contribution of the sector to the community. There are views that the electorate size of each constituency could also be reviewed with a view to ensuring that the number of electors represented by each functional constituency seat are more or less the same.

4.10 There are views that the number of Legislative Council seats allocated to District Councils should be increased to enhance the participation of District Councils and give due recognition to the important role of district organisations.

4.11 On the other hand, there are also many views that the number of seats returned by functional constituencies should not be increased. The reasons are as follows :

(1) Increasing the number of seats returned by functional constituencies is inconsistent with the ultimate aim of universal suffrage prescribed in the Basic Law, and it will be more difficult to abolish these newly created functional constituencies in future;

- (2) functional constituencies only represent the interests of their respective sectors;
- (3) an increase in functional constituency seats would not address the criticism that functional constituencies lack legitimacy; and
- (4) as there is a host of suggestions on new functional constituencies, it would be impossible to entertain all of them. The selection process itself may give rise to controversy and may even create division within the community.

(IV) The Delineation and Size of the Electorate of Functional Constituencies

4.12 There are quite a number of views that the delineation and size of the electorate of functional constituencies should be broadened and the number of functional constituencies increased. The reasons include :

- (1) to enhance the representativeness of the functional constituency elections, to cover a wider range of sectors, and to take care of the interests of different strata of the community; and
- (2) to enhance the legitimacy of the elections.

- 4.13 There are many views that if there is an increase in the number of seats returned by functional constituencies, inclusion of certain new functional constituencies could be considered. There are views that a constituency for women or women's organisations should be established. There are also views that a constituency for youth and students should be established to encourage more young people to participate in politics. There are quite a number of views that a constituency for Chinese medicine practitioners and the Chinese medicine industry should be established to reflect the importance of this sector. There are also views that constituencies should be established for small and medium size enterprises, Chinese enterprises, the logistics industry and so on.
- 4.14 There are views that the constituency for Sport, Performing Arts, Culture and Publication should be split, so that views of the different sectors within the constituency could be fully represented.
- 4.15 In addition, the Task Force received dozens of proposals on the creation of new functional constituencies and a number of proposals to split existing functional constituencies. Please refer to Appendices I and II for details.

The Replacement of Corporate Voting by Individual Voting

4.16 There are many views that consideration should be given to replacing corporate voting by individual voting in the functional constituency elections (for example, by giving voting rights to directors of relevant corporations and to employees of the relevant sectors.). The reasons include :

- (1) such new electors in the functional constituencies to be included will represent more widely the views of the relevant industries or sectors. This will broaden the electorate base of the functional constituencies, and enhance overall participation as well as the legitimacy of the election; and
- (2) with the change to individual voting, owners of corporations and responsible persons of organisations could continue to be electors of the relevant sectors.

(V) Provisions regarding Nationality of Legislative Council Members

4.17 The Basic Law provides that permanent residents of the HKSAR who are not of Chinese nationality or who have the right of abode in foreign countries may also be elected members of the Legislative Council, provided that the proportion of such members does not exceed 20 percent of the total membership of the Council.

4.18 The public have expressed their views on this requirement. These may be summarised into three main categories :

- (1) There are quite a number of views that this requirement could be maintained. The reasons are that this requirement is consistent with the Basic Law and, at the same time, it would enable individuals who are not of Chinese nationality to continue to contribute to Hong Kong. Also, it would help to maintain the image of Hong Kong as an international city.

- (2) There are also quite a number of views that the number and proportion of seats which may be returned by individuals who are not of Chinese nationality or who have the right of abode in foreign countries should be reduced gradually and eventually eliminated. The reasons are that this would ensure the allegiance of Legislative Council members and their commitment to Hong Kong; and would be conducive to the implementation of “Hong Kong people ruling Hong Kong”.

- (3) There are views that the restriction should be lifted, so that permanent residents of Hong Kong who are not of Chinese nationality or who have the right of abode in foreign countries may run for any seats rather than just the 12 functional constituency seats currently specified in the Legislative Council Ordinance. The reasons are that this would provide more choices for electors and will be conducive to recruiting talent.

(VI) Other issues

Retention or Abolition of the Functional Constituencies in the Long Run

- 4.19 There are views that functional constituencies should be retained in the long run. The reasons are that functional constituencies could make a useful contribution through their professional expertise; balance the interests of different sectors and strata of the community; and allow sectors and strata which are small in size but which contribute significantly to the community to have representation in the Council. There are views that functional constituencies provide a suitable platform for business sectors and professionals to participate in politics.

4.20 At the same time, there are quite a number of views that, in the long run, functional constituencies should be phased out gradually because they lack legitimacy and public participation. Besides, if functional constituency seats were retained, this would be inconsistent with the ultimate aim of universal suffrage. Representatives of certain functional constituencies would only have regard to their own interests and would fail to represent grassroots interests. Delineation of some functional constituencies also lacks a clear yardstick.

One Person Two Votes

4.21 There are quite a number of views that the existing system is unfair in that some electors can cast two votes while most only have one vote. One suggestion is that all electors should be given only one vote. An elector could then choose to vote in either a geographical constituency or a functional constituency. There are views which similarly find the situation unfair but instead propose that all eligible electors in geographical constituency elections should also be given the right to vote in functional constituency elections.

Timetable for Constitutional Development

4.22 There are quite a number of views that a timetable should be set for the election of all Legislative Council members by universal suffrage. This will help the public understand the blueprint for constitutional development, so that political disputes could be reduced, consensus built, and preparatory work done in good

time by relevant parties. However, there is opposing view that it is premature and impracticable to set out a timetable as the community is changing rapidly.

4.23 There are many views that all Legislative Council members should be returned by universal suffrage in 2008. As this proposal is inconsistent with the Decision of the Standing Committee of National People's Congress, the Task Force will not process it further.

(VII) Summary of the Views and Proposals

4.24 Different members of the community have put forward valuable views on the method for forming the Legislative Council. Our preliminary summary includes the following main points :

(1) The Number of Seats in the Legislative Council

- Views remain diverse at this stage.
- There are many views that the total number of seats in the Legislative Council should be increased to enhance representativeness, recruit more political talent, and share the workload of the Legislative Council members. There are more views which support increasing the number of seats to 70 to 80.

- On the other hand, there are many views that the number should remain unchanged so as not to conflict with the ultimate aim of universal suffrage as prescribed in the Basic Law. This would also avoid incurring additional government expenses and hampering the efficiency of the Council.

(2) The Number of Seats Returned by Geographical Constituencies through Direct Elections

- As with the question of the number of Legislative Council seats, views are diverse. If the number of seats is to be increased, there are views that it could be increased to 35 or 40.

(3) The Number of Seats Returned by Functional Constituencies

- There are quite a number of views that consideration should be given to increasing the number of seats returned by functional constituencies to 35 or 40, and that the newly added functional constituencies should have broad representation and be able to effectively enlarge the overall electorate base. There are, however, numerous specific proposals on the new functional constituencies to be included and views are diverse.

- On the other hand, there are quite a number of views that functional constituency seats should not be increased so as not to conflict with the ultimate aim of universal suffrage. Also, the creation of new seats would make it more difficult to abolish functional constituencies in future.

(4) The Delineation and Size of the Electorate of Functional Constituencies

- There are quite a number of views that the electorate base of functional constituencies should be broadened to enhance their representativeness. There are quite a number of views that certain new sectors should be included. There are also many views that the existing functional constituencies should be reorganised, split or merged to reflect the current situation and the development of the community.
- There are many views that corporate voting should be replaced by individual voting.

(5) Provisions Regarding Nationality of Legislative Council Members

- Regarding the provision which allows some Legislative Council members not to be of Chinese nationality, there are many views that it should be retained. However, there are also many views that the number of such members should be gradually reduced and eventually eliminated.

(6) Others

- To examine whether functional constituencies should be retained or abolished in the long run.
- To consider setting out a timetable for universal suffrage.

Chapter Five : Way Forward

5.01 The Constitutional Development Task Force has collected views from different members of the community on the areas which may be considered for amendment in respect of the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008. These views are summarised in this Report.

5.02 As is seen in Chapters Three and Four, and Appendices I and II, different sectors of the community continue to hold divergent views regarding amendments to the two election methods. Besides, most of the views collected focus on individual areas for amendment. At this stage, it is not easy to derive from these views a comprehensive package that would cover all the areas for amendment and which could command the support of various parties. Much trade-off may be required. To achieve this, the Task Force very much hopes that different sectors of the community will put aside any preconceived ideas, and strive to find common ground through further discussions, on the basis of the views summarized in Chapters Three and Four of this Report as well as the public views set out in Appendices I and II. We should strive to reach the broadest possible consensus.

5.03 In the recent past, the Task Force received quite a number of views on issues outside the scope of the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008. The Task Force understands that there is

expectation among the organisations and individuals that have submitted their views that a timetable should be set and organisation made in preparation for elections by universal suffrage. These views raise very important and very complex issues. The Task Force considers that these issues should be further dealt with at an appropriate juncture in the future.

5.04 The Task Force also has to point out that some views expressed by the public have brought out some deeper issues of principle. For example, on the number of seats returned by functional constituencies, there are views that as we move towards the ultimate aim of universal suffrage, we should examine in detail the roles of the functional constituencies and their future development. Moreover, there are views that there may be other forms or means to achieve universal suffrage than solely through geographical constituency elections. The Task Force considers that these issues deserve further discussion by the community.

5.05 The Task Force calls on different sectors of the community to seize the opportunity, before the Fifth Report is published, to put forth proposals that are considered acceptable to all parties concerned, and that are consistent with the provisions of the Basic Law and the Decision of the NPCSC. To facilitate further discussion by various sectors of the community regarding the two electoral methods, and to promote consensus building in the community, the Task Force sets out in Appendix III some follow-up questions on the basis of the views collected during the consultation period of the Third Report. These questions

are intended for reference by the public. The focus and scope of community discussion are not limited to these follow-up questions.

5.06 The next stage of the Task Force's work is to collect further views from different sectors of the community and to formulate a comprehensive package which stands the best chance of achieving consensus among the various parties, having regard to the nine factors stated in the Report submitted by the Chief Executive to the NPCSC this April^{Note 2} and the Decision of the NPCSC. The package will be put forth in the Fifth Report of the Task Force. The Task Force reiterates that the method for selecting the Chief Executive in 2007 and forming the

Note 2 Regarding how the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008 may be amended, the Chief Executive points out in his report to the NPCSC this April that the following factors should be considered :

- (i) the HKSAR, in examining the direction and pace of its constitutional development, must pay heed to the views of the Central Authorities;
- (ii) any proposed amendments must comply with the provisions of the Basic Law. Amendments to the design and principle of the political structure prescribed in the Basic Law must not be lightly contemplated;
- (iii) no proposed amendments shall affect the substantive power of appointment of the Chief Executive by the Central Authorities;
- (iv) any proposed amendments must aim at consolidating the executive-led system headed by the Chief Executive and must not deviate from this principle of design;
- (v) development towards the ultimate aim of universal suffrage must progress in a gradual and orderly manner step by step. The pace should not be too fast. The progress should accord with the actual situation in the HKSAR, in order to preserve its prosperity and stability;
- (vi) when considering the actual situation, public opinions, as well as other factors, including the legal status of the HKSAR, the present stage of constitutional development, economic development, social conditions, the understanding on the part of the public of "One Country, Two Systems" and the Basic Law, public awareness on political participation, the maturity of political talent and political groups, as well as the relationship between the executive authorities and the legislature, must be taken into account;
- (vii) any proposed amendments must enable different sectors of society to be represented in the political structure, and to participate in politics through various channels;
- (viii) any proposed amendments should ensure that consideration would continue to be given to the interests of different sectors of society; and
- (ix) any proposed amendments must not bring about any adverse effect to the systems of economy, monetary affairs, public finance and others as prescribed in the Basic Law.

Legislative Council in 2008 must be formulated on the basis of a consensus by various parties concerned. That is, it must have the support of the Central Authorities, the HKSAR Government, the Legislative Council, and the general public.

5.07 Members of the community may forward their written submissions regarding the comprehensive package (or any other related views) to the Task Force by mail, facsimile or e-mail by 31 March 2005 :

Address : Secretariat, Constitutional Development
Task Force
Constitutional Affairs Bureau
3/F, Main Wing
Central Government Offices
Lower Albert Road
Hong Kong

Fax number : 2523-3207

Website address : www.cab-review.gov.hk

E-mail address : views@cab-review.gov.hk

**Method for Selecting the Chief Executive in 2007
Preliminary Summary of Views and Follow-up Questions**

(1) The Number of Members of the Election Committee

Summary

- To increase the number of Election Committee members, so as to allow wider participation by different strata of the community in the election of the Chief Executive. More views are for increasing the number to 1 200 or 1 600.

Follow-up Questions

- As there are more views supporting an increase in the number of Election Committee members, could we take it that the number should be increased, and that this should form the basis for the next stage of discussion?
- If the number is to be increased, what principles and criteria should be used in considering the level of increase?

(2) The Composition of the Election Committee

Summary

- To suitably adjust the composition of the subsectors of the Election Committee with a view to further enhancing its representativeness. There are many views that more District Council members should be included in the Election Committee.

Follow-up Questions

- If the number of Election Committee members is increased, should the delineation of the four sectors and the proportion of seats allocated to these sectors be changed? What principles and criteria should be used when considering the method of delineation?
- If more District Council members are to be included in the Election Committee, should we at the same time adjust the delineation of all four sectors and the proportion of seats allocated to those sectors?

(3) The Number of Members of the Election Committee Required for Nominating Candidates for the Office of the Chief Executive

Summary

- Views remain diverse on the number of Election Committee members required for nominating candidates.
- To require candidates to have a certain degree of support in each sector to ensure that they have broad cross-sectoral support.
- To set an upper limit on the number of subscribers required which would be conducive to having more than one candidate to contest in the election.

Follow-up Questions

- The current threshold for nomination is not less than 100 members (or one-eighth of the current total number of Election Committee members). If the number of Election Committee members is increased, should the proportion of members (one-eighth) for nomination be maintained, or should it be lowered?

- At which level should the threshold for nomination be pitched, so that on the one hand more potential candidates could have an opportunity to be nominated, whilst on the other hand ensuring that all candidates have a certain degree of support?
- Should candidates be required to have a certain degree of support in each of the four sectors? If so, how would we ensure that candidates have such support? Should a minimum number of subscribers be required in each of the four sectors? If such a threshold is to be set, what should be its appropriate level? What principles and criteria should be used to determine the threshold for each sector?
- If an upper limit is to be set on the number of subscribers for a candidate, what principles and criteria should be used in determining the limit?

(4) The Delineation and Size of the Electorate of the Election Committee

Summary

- To broaden the scope and the size of the electorate. However, there are numerous specific proposals and views are diverse.
- There are views that consideration should be given to replacing corporate voting by individual voting in the subsector elections of the Election Committee.

Follow-up Questions

- What principles and criteria should be used in determining whether and how to increase or reduce the 38 existing subsectors?
- In which subsectors should corporate voting be replaced by individual voting? What kind of individual voting should be adopted?

(5) Others

Summary

- To examine whether to abolish the requirement that Chief Executive elect must relinquish his or her political affiliation.
- To consider setting out a timetable for introducing universal suffrage.

Follow-up Questions

- Should we start examining whether the Chief Executive should be allowed to have a political affiliation? How would this affect the development of political parties, as well as the relationship between the executive and the legislature?
- What are the pros and cons of setting out, at this stage, a timetable for selecting the Chief Executive by universal suffrage?

The Method for Forming the Legislative Council in 2008 Preliminary Summary and Follow-up Questions

(1) The Number of Seats in the Legislative Council

Summary

- Views remain diverse at this stage.
- There are many views that the total number of seats in the Legislative Council should be increased to enhance representativeness, recruit more political talent, and share the workload of the Legislative Council members. There are more views which support increasing the number of seats to 70 to 80.
- On the other hand, there are many views that the number should remain unchanged so as not to conflict with the ultimate aim of universal suffrage as prescribed under the Basic Law. This would also avoid incurring additional government expenses and hampering the efficiency of the Council.

Follow-up Question

- As different sectors of the community have divergent views on whether to increase the number of Legislative Council seats, what principles and criteria should be used in considering whether the number of seats should be increased?

(2) The Number of Seats Returned by Geographical Constituencies through Direct Elections

Summary

- As with the question of the number of Legislative Council seats, views are diverse. If the number of seats is to be increased, there are views that it could be increased to 35 or 40.

Follow-up Question

- The community has not expressed many views on this issue. However, if the number of seats returned by geographical constituencies through direct elections is to be increased, what are the principles and criteria to be used in considering the level of increase?

(3) The Number of Seats Returned by Functional Constituencies

Summary

- There are quite a number of views that consideration should be given to increasing the number of seats returned by functional constituencies to 35 or 40, and that the newly added functional constituencies should have broad representation and be able to effectively enlarge the overall electorate base. There are, however, numerous specific proposals on the new functional constituencies to be included and views are diverse.

- On the other hand, there are quite a number of views that functional constituency seats should not be increased so as not to conflict with the ultimate aim of universal suffrage. Also, the creation of new seats would make it more difficult to abolish functional constituencies in future.

Follow-up Questions

- If the number of functional constituency seats is increased, what principles and criteria should be used in considering the level of increase?
- If new functional constituencies are created, what principles and criteria should be used in considering whether a particular functional constituency should be included?

(4) The Delineation and Size of the Electorate of Functional Constituencies

Summary

- There are quite a number of views that the electorate base of functional constituencies should be broadened to enhance their representativeness. There are quite a number of views that certain new sectors should be included. There are also many views that the existing functional constituencies should be reorganised, split or merged to reflect the current situation and the development of the community.

- There are many views that corporate voting should be replaced by individual voting.

Follow-up Questions

- On the premise that the electorate base of functional constituencies is expanded, what principles and criteria should be used in considering the creation of new functional constituencies?
- On the premise that the electorate base of functional constituencies is expanded, what principles and criteria should be used in adding, reorganising, splitting, and removing functional constituencies?
- How should corporate voting be replaced by individual voting?

(5) Provisions Regarding Nationality of Legislative Council Members

Summary

- Regarding the provision which allows some Legislative Council members not to be of Chinese nationality, there are many views that it should be retained. However, there are also many views that the proportion of such members should be gradually reduced and eventually eliminated.

Follow-up Question

- On the premise that the relevant provision in the Basic Law will not be amended, what principles and criteria should be used in preserving, reducing, or eliminating the number of the Legislative Council members who are foreign nationals?

(6) Others

Summary

- To examine whether functional constituencies should be retained or abolished in the long run.
- To consider setting out a timetable for universal suffrage.

Follow-up Questions

- Should we start examining the long-term future of functional constituencies? Likewise, should we begin to explore different forms of universal suffrage?
- What are the pros and cons of setting out, at this stage, a timetable for electing all the Legislative Council members through universal suffrage?