

**Legislative Council House Committee
Subcommittee to Study the Administration's Proposals
for the Methods for Selecting the Chief Executive in 2007 and
for Forming the Legislative Council in 2008**

**The Fifth Report of the Constitutional Development Task Force:
Package of Proposals
Some Detailed Arrangements Regarding the Method
for Selecting the Chief Executive**

Purpose

This paper sets out certain practical issues that need to be dealt with in local legislation in respect of the method for selecting the Chief Executive ("CE") in 2007. Members of the Subcommittee are invited to provide views on these issues, including:

- (1) the number of members of the First, Second and Third Sectors of the Election Committee are to be increased, respectively, from 200 to 300. The number of members to be allocated to the subsectors under each of the three Sectors;
- (2) the number of members of the Fourth Sector are to be increased from 200 to 700, of whom 70 are to be allocated to Legislative Council (LegCo) Members. Given that the number of LegCo seats will only be increased in 2008, the transitional arrangements which should be in place before the fourth term LegCo election in 2008; and
- (3) the arrangement for the continuation of the election proceedings in the situation where there is only one validly nominated candidate.

(1) The number of seats to be allocated to the subsectors under the First, Second and Third Sectors

2. The Constitutional Development Task Force (“the Task Force”) mentioned in paragraph 5.06 of the Fifth Report that there will be a respective increase of 50%, that is, from 200 to 300, in the number of members to be allocated to the First, Second and Third Sectors. As to the allocation of seats among the subsectors under these three Sectors, the Task Force considers that, in principle, there could be proportional increase in the seats in accordance with the existing allocation of seats to the subsectors. Detailed arrangements could be firmed up in the context of the Chief Executive Election (Amendment) Bill.

3. When putting in place local legislation, we need to consider whether the number of members allocated to each subsector should simply be increased by 50%, or whether some adjustments should be made to certain individual subsectors. Furthermore, during public consultation over the past year or so, different organizations in various sectors have proposed that consideration be given to splitting certain existing subsectors so that the views of different organizations can be more fully reflected. (For example, the Hong Kong Dental Association has expressed similar view.)

4. The Administration is prepared to listen to the views of the Members of the Subcommittee on the number of members to be allocated to the subsectors under the First to Third Sectors. Detailed arrangements will be firmed up in the context of the Chief Executive Election (Amendment) Bill.

(2) Transitional Arrangement for the Seats to be Allocated to LegCo Members in the Fourth Sector

5. The Task Force proposes that the number of members of the Election Committee to be allocated to the Fourth Sector be increased from 200 at present to 700, of which 70 will be allocated to LegCo Members. The subsector elections for the new term Election Committee will be held in December 2006, and the Election Committee will commence its term of office on 1 February 2007. However, according to the proposals put forth in the Fifth Report, the number of LegCo seats shall only be increased from 60 to 70 after the formation of the fourth term LegCo in 2008. Hence, transitional arrangement has to be provided under the Chief Executive Election (Amendment) Bill.

6. During the period from the formation of the Election Committee in February 2007 to the formation of the fourth term LegCo in 2008, the number of LegCo seats will remain at 60. During this transitional period, we may consider allocating the difference of 10 seats to the Chinese People's Political Consultative Conference ("CPPCC") Subsector or the Heung Yee Kuk Subsector (both under the Fourth Sector). If these remaining seats are to be allocated to the CPPCC Subsector, the number of EC members for the CPPCC Subsector will be increased from 41 at present to 53. Upon the formation of the fourth term LegCo, the number of LegCo seats will be 70. The number of seats to be allocated to the CPPCC Subsector will then be reduced to 43^{Note 1}. Under this arrangement, when the new term Election Committee is formed, the term of office of 10 members of the CPPCC Subsector will be of a transitional nature and will come to an end upon the formation of the fourth term LegCo. Detailed arrangements can be firmed up in the context of the Chief Executive Election (Amendment) Bill.

(3) Election Proceedings under the Circumstances that There is Only One Validly Nominated Candidate

7. The Task Force proposes in paragraph 5.15 of the Fifth Report that consideration should be given to amending the Chief Executive Election Ordinance to establish an appropriate mechanism, whereby when there is only one candidate validly nominated at the close of nominations, election proceedings shall continue.

8. Under existing arrangement, if more than one candidate is validly nominated, members of the Election Committee shall return the Chief Executive by voting. If only one candidate is validly nominated, the candidate will be declared elected *ipso facto* and no election proceedings will be arranged. We propose that election proceedings should still be arranged even if there is only one candidate validly nominated. Such proceedings should be in line with the proceedings when there is more than one candidate.

^{Note 1} It is proposed in the Fifth Report of the Task Force that there will be an increase of two seats to the present 41 in the CPPCC Subsector, making a total of 43.

9. According to the Chief Executive Election Ordinance,^{Note 2} if more than one candidate is validly nominated, any of the candidates obtaining more than half of the total number of valid votes cast^{Note 3} in any round of voting shall be returned at the election. If none of the candidates obtains the above-mentioned number of valid votes after the first round of voting, the two candidates obtaining the highest number of valid votes can enter the next round of voting. All other candidates shall then be eliminated. In the new round of voting, the one obtaining more than half of the total number of valid votes cast shall be returned.

10. As to the polling and counting arrangements in the circumstances that there is only one validly nominated candidate, we may consider adopting an arrangement in line with that when there is more than one candidate: the only candidate shall be returned when obtaining more than half of the total number of valid votes cast.

Conclusion

11. We are prepared to listen to Members' views on the above detailed arrangements in respect of the method for selecting the Chief Executive in 2007. According to the current legislative timetable, the Administration plans to introduce the Chief Executive Election (Amendment) Bill into LegCo in January 2006 to firm up the various arrangements.

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Note 2 Section 27 of the Chief Executive Election Ordinance (Cap 569).

Note 3 Under the Electoral Procedure (Chief Executive Election) Regulation (Cap 541J), an elector shall give a single "✓" in the circle opposite the name of the candidate of his choice on the ballot paper (Section 36). Any ballot paper which is unmarked, mutilated or on which there is any writing or mark shall not be counted (Section 50).