

**Commission on Strategic Development
Committee on Governance and Political Development**

**Discussion on Models, Roadmap and Timetable for
Electing the Chief Executive by Universal Suffrage**

Introduction

Members commenced discussion on possible models for electing the Chief Executive (“the CE”) and forming the Legislative Council (“LegCo”) by universal suffrage last July and September respectively. Members had been narrowing differences on the relevant issues in previous meetings.

2. The HKSAR Government plans to summarize the discussions of the Commission in mid-2007 and publish a Green Paper on constitutional development on the basis of the discussions. A public consultation for three months will be launched. The Green Paper will set out different options on implementing universal suffrage, as well as the views on the roadmap and timetable for universal suffrage, so as to facilitate the Hong Kong community and the public to have adequate discussions on the issues. Following the end of the public consultation period, the HKSAR Government will submit a report to the Central Authorities reflecting any mainstream views formed during the public consultation and other views expressed.

3. This paper aims at:

- (a) further summarizing members’ views on possible models for electing the CE by universal suffrage, in order to facilitate members’ further discussion on the subject in focus; and
- (b) with the approach of “formulating a roadmap before a timetable”, facilitating members’ discussion on the relevant issues based on different models and roadmaps for universal suffrage, and enabling them to express

views on the timetable for universal suffrage.

4. The summary of views of various organizations and individuals on possible models for electing the CE received by the Administration and LegCo are enclosed at Annex I and Annex II respectively. A summary of written submissions received by the Commission Secretariat is at Annex III.

Key issues discussed

5. In previous meetings and workshops, members discussed the following three key issues relating to possible models for electing the CE by universal suffrage:

- (a) composition and size of the nominating committee;
- (b) method of nomination; and
- (c) method for electing the CE by universal suffrage following nomination.

Composition and size of the nominating committee

6. Regarding the composition and size of the nominating committee, members had examined various proposals in detail. Most members were inclined to support using the composition of the Election Committee as a basis to consider that of the nominating committee. As for the size of the nominating committee, members generally considered that the size should not be too large.

7. As regards the composition and size of the nominating committee, members had reduced the scope of discussion to the following three major types of options:

- (a) to form the nominating committee by less than 800 members (for example, to form the nominating committee by 60 LegCo Members);
- (b) to form the nominating committee by 800 members, for example, by referring to the existing 800-member Election Committee as a basis to consider the

composition of the nominating committee; and

- (c) to form the nominating committee with more than 800 members. More members suggested making reference to the composition of the existing Election Committee, and increasing the size to 1200-1600 members. A member proposed enlarging the size of the committee to 3200 members.

Less than 800 members: forming the nominating committee by LegCo Members

8. Regarding the proposal of forming the nominating committee by LegCo Members, most members did not support the proposal for the following reasons:

- (a) the Basic Law had already clearly prescribed the functions of LegCo, and had not empowered LegCo Members to nominate CE candidates. The proposal of allowing LegCo to nominate CE candidates would not be consistent with the Basic Law;
- (b) according to the Basic Law, the relationship between the executive authorities and the legislature was one of mutual regulation. If CE candidates were nominated by LegCo, this would undermine the function of the executive authorities and the legislature to operate with due checks and balances, which would not be consistent with the legislative intent of the Basic Law;
- (c) it was prescribed in the Basic Law that the nominating committee should be broadly representative. This was to realize the principle of “balanced participation”¹. It may not be consistent with the legislative intent of the Basic Law, if the nominating committee is composed solely of LegCo Members;
- (d) during the drafting of the Basic Law, the option of

¹ From a certain perspective, the range of sectors covered by the Election Committee is broader than that of the Legislative Council, for example, the religious subsector and the Chinese medicine subsector are represented in the Election Committee, but not in LegCo.

nominating CE candidates by LegCo had already been ruled out, because this was not consistent with the principle of an “executive-led” government; and

- (e) when voting for LegCo Members, voters had not authorized them to nominate CE candidates on their behalf.

9. Some members suggested that the proposal of forming the nominating committee by 60 LegCo Members should not be ruled out at the current stage, and that the advantages of the proposal should be fully considered before a decision was made:

- (a) LegCo Members had the broadest electorate base and were the most representative;
- (b) if LegCo played a leading role in the nomination of CE candidates, it would be conducive to improving the relationship between the executive authorities and the legislature; and
- (c) when compared to changing the composition of the existing Election Committee, it would be simpler to form the nominating committee by LegCo Members, so as to enhance the democratic elements of the nominating committee. It would also be more easily understood by the public.

Forming the nominating committee by using the Election Committee as a basis

10. Most members were inclined to support using the composition of the Election Committee as a basis to consider that of nominating committee. The main reasons included:

- (a) Article 45 and Annex I to the Basic Law stipulated respectively that the nominating committee and the Election Committee should be “broadly representative”. If the composition of the Election Committee was used as a basis, this should give rise to fewer disputes and should

be conducive to forging consensus within the community on the composition of the nominating committee;

- (b) the composition of the Election Committee complied with such principles as “meeting the interests of the different sectors of society” and “facilitating the development of the capitalist economy”. Making reference to the composition of the Election Committee could ensure that the formation of the nominating committee would comply with these principles; and
- (c) the formation of the Election Committee by four sectors was a useful reference point. Also, using the Election Committee as a basis could help ensure the smooth operation of the nominating committee.

11. However, members held diverse views on the size of the nominating committee, and the relative proportion of different sectors in the committee.

Nominating committee: 800 members

12. Some members suggested that, by modeling on the existing Election Committee, the size of the nominating committee should be set at 800 members.

13. Recently, Mrs Anson Chan and her core group put forth a proposal to the Commission on 5 March, which proposed to convert the Election Committee into the nominating committee, and to broaden the franchise of the subsectors. (As for the nomination threshold, candidates should be required to receive nominations from 10% of nominating committee members; thus, if the size of the nominating committee were kept at 800, this would mean that prospective candidates would require a minimum of 80 nominations.)

Nominating committee: 1200 members

14. On 27 March, 21 LegCo Members put forth a proposal on constitutional development in 2012. Their proposal suggested that, before amendments could be made to the Basic Law to abolish the nominating committee, the nominating committee should be formed by about 1200

members i.e. by adding about 400 elected District Council members to 800 members of the Election Committee. (CE candidates could be nominated by 50 members from any sector, and returned by universal suffrage though “one-person-one-vote”².)

Nominating committee: 1600 members

15. At the last meeting, quite a number of members suggested using the 2007/08 proposed package put forth by the Government in 2005 as a basis for determining the composition of the nominating committee and setting the size at 1600 members. The reasons included:

- (a) the Government had consulted the public broadly on the proposed package, and had received majority support from the public;
- (b) enlarging the size of the nominating committee could provide room for enhancing the democratic elements of the committee, for example, by including all District Council (“DC”) members. (However, some members considered that appointed DC members should not be included); and
- (c) enlarging the size of the nominating committee could allow allocating the additional seats to sectors which were currently not represented in the Election Committee, in order to realize the principle of “meeting the interests of the different sectors of society”.

16. Moreover, a member proposed that, on the basis of the 2007/08 proposed package, the existing Election Committee could be expanded as a transitional arrangement. Through making improvements in the light of actual operation, it could be transformed into a nominating committee when universal suffrage was implemented.

² When running for the Chief Executive election, the Hon Alan Leong put forth a proposal for electing the CE by universal suffrage: the 800-member Election Committee should be transformed into the nominating committee by adding a significant number of members directly elected from the public; the nomination threshold should be set at 50 subscribers for nominating a CE candidate.

Method of nomination

17. In accordance with Article 45 of the Basic Law, there are two stages for electing the CE by universal suffrage:

- firstly, a CE candidate will be required to gain the support from representatives of different sectors and strata in the nominating committee;
- secondly, a CE candidate will be required to gain the support of the public through “one-person-one-vote”.

Members understood that the nominating committee would play a crucial role in ensuring that the CE elect could meet the interests of different sectors of society.

18. Regarding the method of nominating CE candidates by the nominating committee, members focused their discussion on the number of subscribers required for nominating a candidate. Members were inclined to support that, at the early stage of implementing universal suffrage, the nomination threshold should not be too low and there should not be too many candidates. The main reasons included:

- (a) the nomination procedures should ensure that there would not be too many candidates;
- (b) a relatively higher nomination threshold should first be set to help forge consensus among different sectors, so as to implement universal suffrage as early as possible. The system could evolve gradually after universal suffrage had been implemented; and
- (c) even if a relatively higher nomination threshold was set, the candidates would still have to face the public because they would need to gain the votes of the public in the process of universal suffrage.

In this connection, at the last meeting, more members considered that the nomination threshold should be set at 20% or 25% of the size of the nominating committee.

19. However, some members considered that the nomination threshold should be set at a lower level, at least not higher than the existing requirement (i.e. 12.5% of the size of the nominating committee) to enable more candidates to take part in the election. Some members considered that if only a small number of candidates could run for election as a result of a high nomination threshold, there would not be sufficient competition.

Method of Universal Suffrage after Nomination

20. Members agreed that, after the nomination of candidates, the CE should be elected by universal suffrage on the basis of “one-person-one-vote”.

21. At the last meeting, members further discussed the issue of whether one or more rounds of election should be held after nomination, and had put forth various options, including:

- (a) holding more than one round of election, until a candidate was returned by receiving more than half of the valid votes cast. This could enhance the legitimacy of the CE;
- (b) holding two rounds of elections, in which only two candidates could enter the second round of universal suffrage. In the final round, the candidate who received more than half of the valid votes cast would be elected. This proposal could ensure that the CE elect would obtain a clear majority of the votes, so as to enhance the legitimacy of the CE; and
- (c) holding only one round of universal suffrage and adopt a simple majority voting system. The candidate who received the highest number of valid votes cast would be elected. This could avoid having to invest an enormous amount of resources to arrange for another round of voting by all registered voters.

22. As for the issue of whether the election proceedings should continue if there was only one candidate, some members considered that as it was prescribed in the Basic Law that the nomination of the CE by the nominating committee should be followed by universal suffrage, universal suffrage should still be held even when there was only one candidate. This

would allow the public to express their wish. Some members supported this proposal and considered that the candidate should be required to receive more than half of the valid votes cast or a specified percentage of votes to get elected. This could ensure that the CE elect would have legitimacy. However, some members considered that if the election proceedings continued when there was only one candidate, this might distort the overall inclination of voters because those who were against the candidate would have a stronger intention to vote. This would in turn affect the CE election process.

Roadmap and timetable for implementing universal suffrage for the CE

23. In the Decision of the Standing Committee of the National People's Congress (NPCSC) made on 26 April 2004, it was promulgated that the election of the third CE of the HKSAR to be held in 2007 should not be by means of universal suffrage. However, the Decision did not cover the electoral arrangements for the fourth term CE election in 2012.

24. In accordance with Annex I to the Basic Law, any amendments to the method of electing the CE would require the endorsement by a two-thirds majority of all LegCo Members, the consent of the CE, and they shall be reported to NPCSC for approval.

25. With the approach of "formulating a roadmap before a timetable", if different sectors of the community could reach consensus on the model and roadmap for electing the CE by universal suffrage, the timetable for universal suffrage would fall into place naturally.

26. Moreover, the community should forge consensus on whether "universal suffrage for the CE should be implemented first". The major issues that need to be addressed in relation to the model for electing the CE by universal suffrage are the composition of the nominating committee and the nomination mechanism. In this regard, members' discussion on these issues has been more focused. However, there are still significant differences among members on models for forming LegCo by universal suffrage, particularly on how the functional constituencies (FCs) should evolve. It is, therefore, anticipated that it would not be easy for the community to reach consensus on the model for forming LegCo by universal suffrage in the short term. Relatively speaking, there should be a higher chance that the community could first reach consensus on the model

for electing the CE by universal suffrage

27. If the community generally supports the direction of “universal suffrage for the CE should precede that for LegCo”, and is able to reach consensus on the model and roadmap for electing the CE by universal suffrage within the term of the third term Government, the most critical factor in determining the timetable for universal suffrage would be whether the existing electoral model (i.e. an 800-member Election Committee):

- (a) should be transformed to universal suffrage by first going through a transitional phase; or
- (b) should be transformed to universal suffrage in one go by forming the nominating committee directly.

Conclusions

28. To conclude, according to the discussions at the last meeting, regarding the composition of the nominating committee, more members were inclined to support using the Election Committee as a basis for the formation of the nominating committee. However, members had yet to form a view on the size of the nominating committee, and the relative proportion and delineation of each sector at this stage.

29. Moreover, we propose that members should further discuss the following issues:

- (a) the composition and size of the nominating committee;
- (b) the specific nomination threshold;
- (c) whether the CE should be elected through one round of election without the requirement that a candidate should receive more than half of the valid votes to be elected, or whether there should be a requirement that a candidate should receive more than half of the valid votes to get elected, and thus more than one round of election would be held if necessary;
- (d) if there is only one candidate, whether the election proceedings should continue; and

- (e) the roadmap and timetable for electing the CE by universal suffrage, including:
 - (i) whether there should be a transitional phase before implementing universal suffrage; or whether the nominating committee should be formed directly to achieve the ultimate aim of universal suffrage in one go; and
 - (ii) whether we should take things forward on the basis that “universal suffrage for the CE should precede that for LegCo”.

Constitutional Affairs Bureau
April 2007

**Commission on Strategic Development
Committee on Governance and Political Development**

**Public views on possible models for
electing the Chief Executive by universal suffrage**

Written submissions received by the Government

<u>Organizations/individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
Mr Eric K C LI	4.1.2004	<ul style="list-style-type: none">• First Phase: turn the 800-member Election Committee into a nominating committee and elect no more than 3 candidates for universal suffrage.• Second and Final Phase: full universal suffrage.
SynergyNet	13.2.2004	<ul style="list-style-type: none">• Any 500 registered voters can together make a preliminary nomination of a candidate for the CE post. Each registered voter can make only one such nomination.• Preliminary nominees will be scrutinized by the Nomination Committee. Only those preliminary nominees who obtain the endorsement of a minimum of 100 members of the Nomination Committee will be put forward for election by universal suffrage. Each Committee member can nominate only one preliminary nominee. In practice, this means a maximum of 8 preliminary candidates to be

<u>Organizations/individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
Hong Kong Democratic Foundation and Power for Democracy	13.2.2004	<p data-bbox="901 360 1481 479">'screened in' by an 800-member Nomination Committee for popular election.</p> <ul style="list-style-type: none"> <li data-bbox="853 539 1481 869">• The total membership of the Nomination Committee can be 800 or an enlarged number such as 1 000 – 1 200. Members of the Nomination Committee from different sectors should be elected on the basis of one-person-one-vote within the sectors to which they belong. <li data-bbox="853 920 1481 1294">• Option 1: Formal candidacy for the CE requires nomination by a certain number of Election Committee members. A low threshold such as 50 can facilitate candidates from various political backgrounds to stand for election. Election of the CE by universal suffrage after nomination by the Election Committee. <li data-bbox="853 1352 1481 1644">• Option 2: A CE candidate may qualify for formal candidacy through the collection of a certain number of supporting signatures from registered voters (say, 50 000 – 100 000), followed by election by universal suffrage.
Article 45 Concern Group	23.2.2004	<ul style="list-style-type: none"> <li data-bbox="853 1693 1481 1989">• Either to convert the present Election Committee to a nomination committee whose only function is to nominate any candidate with the endorsement of say, 5% of its members, or to give power to the Legislative Council (LegCo) to

<u>Organizations/individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
Democratic Party	25.5.2004	<p data-bbox="901 360 1476 566">nominate any candidate with the endorsement of say, 5 members. The general electorate will vote on all candidates thus nominated on a one-person- one-vote basis.</p> <ul data-bbox="853 618 1476 992" style="list-style-type: none"> <li data-bbox="853 618 1476 992">• The nominating committee should be formed by Members of the LegCo. A CE candidate may be nominated by 5 LegCo Members (each LegCo Member may nominate only one candidate). Members of the public will vote on all candidates thus nominated on a one-person-one-vote basis.
Hong Kong University Graduates Association Political Reform Concern Group	9.2004	<ul data-bbox="853 1048 1476 1984" style="list-style-type: none"> <li data-bbox="853 1048 1476 1294">• To transform the 800-member Election Committee into a 1200-member nominating committee. The method for electing members should be similar to that of the existing Election Committee. <li data-bbox="853 1350 1476 1641">• A CE candidate should be jointly nominated by not less than 150, but not more than 200 members of the nominating committee (with not less than 25 members from each sector). Each member may only nominate one candidate. <li data-bbox="853 1697 1476 1984">• Election of the CE by universal suffrage will be held after nomination. As regards the election and vote counting methods, consideration should be given to requiring a candidate to secure more than half of the valid votes in order to

<u>Organizations/individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
The Law Society of Hong Kong	27.9.2004	<p>be elected.</p> <ul style="list-style-type: none"> The nominating committee can take the form of either a separate Committee, or transformed from the Election Committee or the LegCo.
Hon Mrs Rita FAN	27.9.2004	<ul style="list-style-type: none"> CE candidates could be elected by universal suffrage upon nomination by a nominating committee. The nominating committee should comprise 1600 members from different sectors (same as those of the Election Committee) who are returned by election. Formal candidacy for the CE requires nomination by not less than 400 Committee members.
Hon Albert CHAN	15.10.2004	<ul style="list-style-type: none"> A CE candidate may qualify for formal candidacy if he is able to secure nominations by not less than 5 000 registered voters, and the support of not less than 5% of the Election Committee. After nomination, candidates will be elected by all electors in Hong Kong by universal suffrage. The candidate receiving the highest number of votes will become the CE. The Election Committee should validate the election result procedurally, and the candidate elected will become the CE upon validation.

<u>Organizations/individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
Joint Committee for the Promotion of the Basic Law of Hong Kong	21.10.2004	<ul style="list-style-type: none"> • To turn the Election Committee into the nominating committee. The method for electing members of the nominating committee should be the same as that for electing members of the Election Committee. The number of members should be increased to 1 600. In each sector, there should be 25 members returned by universal suffrage through geographical constituencies. • Each member of the nominating committee may nominate only one candidate, and each candidate must be nominated by 200 members. • If only one candidate is elected by the nominating committee, that candidate will be elected <i>ipso facto</i>. If more than one candidate are elected by the nominating committee, election by universal suffrage shall be held.
Business and Professionals Federation of Hong Kong	25.7.2006	<ul style="list-style-type: none"> • The Election Committee which currently elects the CE consists of four sectors, each comprising 200 delegates. • These delegates are themselves elected or chosen by either the individual members or by the elected committee of the relevant organization. • The first, second and third sectors of the Committee elect or select their representatives some by the votes of individual members, and some chosen

Organizations/individuals
making the submissions

Date of
Submission

Summary of Views

by the committee of the organization. In order to make sure the representatives do indeed represent the general membership of the constituent organization there should be an effort to systemize the method of selection and to endeavour to involve the general membership on these organizations in the election of their representatives.

- The fourth sector comprises the individual members of representative bodies having a largely political role. To enhance the authority of this sector, a number of new seats were proposed to be elected by an electoral college of all the District Councillors. Changes in the District Councils are currently being examined and the role of the appointed members will no doubt be discussed during the course of this review. Thus the inclusion or not of District Councillors should wait until this review is completed.
- Nomination of CE candidates should be based on a closed-ballot.
- Each candidate should secure the support and nomination of at least 100 members out of a nominating committee of 800.
- Candidates might be required to secure at least 20 nominations from each of the four sectors and each candidate in addition should have

<u>Organizations/individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
Mr. David YUEN	29.7.2006	<p>among his nominators the support of at least 15 of the 60 Members of LegCo (i.e. one-fourth of the 60 LegCo Members). This requirement would limit the number of candidates to four to enter the final election process.</p> <ul style="list-style-type: none"> • To elect the CE through a one man one vote process; the one-round first-past-the-post voting method is the preferred option. • An electoral college system (with 1 000 electoral college votes) should be adopted, of which 30% of the votes (i.e. 300 electoral college votes) should be determined by the Central Government while the other 70% should be decided by universal suffrage. • Election on the basis of one-person-one-vote should be first held. The 700 electoral college votes should be apportioned on the basis of the votes received. In the following 1-2 weeks, the Central Government would cast its sacred vote (i.e. the 300 electoral college votes). The election result would then be determined by the number of the electoral college votes received by the candidates. • As for the nomination method, candidates would be required to secure nominations from 200 registered voters.

<u>Organizations/individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
Chu Hai College Students' Union	13.8.2006	<ul style="list-style-type: none"> <li data-bbox="852 360 1481 436">• Composition of the nominating committee: <p data-bbox="903 495 1481 571">The first sector: about 200 members from the business sector.</p> <p data-bbox="903 620 1481 696">The second sector: about 200 members from the professional sector.</p> <p data-bbox="903 745 1481 866">The third sector: about 400 members from education, labour, religious, social services and other sectors.</p> <p data-bbox="903 920 1481 1294">The fourth sector: about 700 members comprising LegCo Members, District Councils (DC) members, Executive Council Members, Hong Kong deputies to the National People's Congress (NPC), Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference (CPPCC).</p> <li data-bbox="852 1350 1481 1471">• Based on the above, a nominating committee with 1500–1600 members will be formed. <li data-bbox="852 1525 1481 1984">• For candidates nominated by political parties, they will be required to secure nomination from only 5% of the nominating committee members. As for independent candidates, they will be required to secure nominations from 10% of the nominating committee members. Those who have secured sufficient number of nominations will become CE candidates for election by universal

<u>Organizations/individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
City University of Hong Kong Students' Union	14.8.2006	<p>suffrage.</p> <ul style="list-style-type: none"> <li data-bbox="852 443 1484 1339">• As a transitional arrangement before implementing universal suffrage, the composition of the nominating committee should make reference to the proposed package put forth last year. The number of members should increase from 800 to 1600. Members of the Election Committee in the first sector (industrial, commercial and financial sectors), second sector (the professionals) and third sector (labour, social services, religious and other sectors) should increase from 200 to 300. The fourth sector (LegCo members, DC members, representatives of Heung Yee Kuk, Hong Kong deputies to the NPC, representatives of Hong Kong members of the CPPCC) should increase from 200 to 700, including all DC members. <li data-bbox="852 1391 1484 1727">• The nomination threshold for electing the CE by universal suffrage for the first time could be increased (e.g. from 1/8 of all committee members to 1/4), but the Government should undertake to conduct regular reviews in future with a view to lowering the threshold gradually. <li data-bbox="852 1778 1484 1989">• In addition to increasing the nomination threshold, a mechanism to allow voters to recommend candidates should be introduced. Any person who has the support of 5% of

Organizations/individuals
making the submissions

Date of
Submission

Summary of Views

eligible voters in Hong Kong should be deemed to be recommended by voters as a candidate. As the candidate endorsed by voters should have already obtained a certain level of support from the electorate, the nomination threshold for him should be lowered. He will only need to obtain endorsement from 1/8 of the nominating committee members to stand for election.

- When the model for implementing universal suffrage has been fully developed, consideration should be given to allowing the public to take lead in the nomination process. For example, CE candidates would only be eligible for consideration by the nominating committee if they have obtained nominations from a certain number of registered voters. A candidate can stand for election at the final stage only after he has secured a certain level of support from the nominating committee.

Heung Yee Kuk
(Submission for the
2006/07 Policy
Address)

15.8.2006

- To increase the number of committee members from 800 to 1200.
- Regarding the method for forming the committee responsible for nominating CE candidates, the nomination method and the number of subscribers required for nominating a CE candidate, further discussion within the community will be needed in order to reach consensus.

<u>Organizations/individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
Hong Kong Democratic Foundation	16.8.2006	<p data-bbox="850 360 991 394"><u>Option 1:</u></p> <ul data-bbox="850 405 1481 528" style="list-style-type: none"> <li data-bbox="850 405 1481 528">• Direct election of the CE through universal suffrage as soon as possible, namely 2012. <p data-bbox="850 577 991 611"><u>Option 2:</u></p> <ul data-bbox="850 622 1481 1216" style="list-style-type: none"> <li data-bbox="850 622 1481 790">• Increasing the membership of the Election Committee from 800 to, say, 1600 or 2400, turning it into a nominating committee. <li data-bbox="850 840 1481 1216">• After the nominating committee endorses a number of candidates, who will have to compete among themselves by gaining a certain percentage of votes from the nominating committee, then all the eligible voters in the HKSAR will be entitled to vote for their CE candidates. <p data-bbox="850 1265 991 1299"><u>Option 3:</u></p> <ul data-bbox="850 1310 1481 1518" style="list-style-type: none"> <li data-bbox="850 1310 1481 1518">• Widening the membership of the Election Committee. This option is arguably so conservative that it will perhaps be bound to be rejected in the legislative assembly.
Executive Committee of the Hong Kong University Students' Union	16.8.2006	<ul data-bbox="850 1570 1481 1906" style="list-style-type: none"> <li data-bbox="850 1570 1481 1738">• As a transitional arrangement for one term, the existing Election Committee should be responsible for nominating the CE candidates. <li data-bbox="850 1787 1481 1906">• The Election Committee should include all LegCo Members and elected DC members.

<u>Organizations/individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
Mr. Hilton CHEONG-LEEN	18.8.2006	<ul style="list-style-type: none"> <li data-bbox="852 360 1498 656">• As for other subsectors, corporate voting should be abolished and replaced by individual voting. The nominating committee should be abolished in 2012 in order to achieve the aim of electing the CE by universal suffrage. <li data-bbox="852 707 1498 1088">• As regards the nomination threshold, candidates should be required to secure nominations from 10% of the nominating committee members when the committee is still in place. In future CE elections, candidates who have received nominations from 500 members of the public would be eligible to stand for election. <li data-bbox="852 1140 1498 1727">• If there is only one candidate or there are two, a candidate must obtain more than half of the support votes to get elected, or a fresh round of election would be conducted. If there are three or more candidates and none of them receives more than half of the votes in the first round, then the two candidates with the highest number of votes in the first round will enter into the second round. A fresh round of election would be held if none of the candidates receives more than half of the votes cast. <li data-bbox="852 1778 1498 1904">• To transform the current 800-member Election Committee into an 800-member nominating committee.

<u>Organizations/individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
<p>Democratic Alliance for the Betterment and Progress of Hong Kong</p> <p>(DAB's expectations of the 2006/2007 Policy Address)</p>	18.8.2006	<ul style="list-style-type: none"> • Given the present political environment and the level of socio-economic development of Hong Kong, we should promote the approaches of “formulating a roadmap before a timetable” and “resolving the simple issues before the difficult ones”. • By “formulating a roadmap before a timetable”, we should first formulate the ultimate models for implementing universal suffrage for the two elections, to be followed by formulating a phased plan leading to universal suffrage. Finally, a timetable can be formulated based on the actual situation. • By “resolving the simple issues before the difficult ones”, universal suffrage for the CE can first be implemented. Thereafter, according to the actual situation, we can reform the method for forming the LegCo and its procedures of voting in two or three stages, and finally implement universal suffrage for the LegCo.
<p>Hon. Emily LAU Wai-hing</p> <p>(Proposals for the Policy Address)</p>	21.8.2006	<ul style="list-style-type: none"> • Before the Basic Law can be amended, the “broadly representative nominating committee” under Article 45 should be formed by election on the basis of one-person-one-vote. • The threshold for nominating candidates should not be too high, and the nomination mechanism

<u>Organizations/individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
The Chinese General Chamber of Commerce	23.8.2006	<p>should not be used to prevent those holding dissenting views from participating in the election. If restrictions are imposed to prevent those candidates not acceptable to the Central Authorities from standing for election, such an election by universal suffrage would be hypocritical and deceptive.</p> <ul style="list-style-type: none"> <li data-bbox="853 788 1481 994">• The composition of the nominating committee may model on that of the existing Election Committee. The number of members can remain at 800. <li data-bbox="853 1055 1481 1294">• Each candidate should be required to receive nominations from at least 200 nominating committee members. With each member nominating only one candidate, there will not be more than four CE candidates. <li data-bbox="853 1355 1481 1514">• Of the nominations received by a candidate, at least 50 should come from the industrial, commercial and financial sectors. <li data-bbox="853 1574 1481 1733">• Following nomination, the CE will be returned by election on the basis of one-person-one-vote by all eligible voters.
Hong Kong Federation of Fujian Associations	23.8.2006	<ul style="list-style-type: none"> <li data-bbox="853 1785 1481 1991">• It will be more appropriate to maintain the membership of the Election Committee at 800. The 38 subsectors under the four sectors in the existing Election Committee have

<u>Organizations/individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
Mr. Robin CHAN Yau-hing Chairman, Hong Kong Federation of Overseas Chinese Associations	29.8.2006	<p>already covered different sectors of society.</p> <ul style="list-style-type: none"> • Those who intend to stand for the CE election should be required to receive nominations from and support of 1/4 of the nominating committee members. Two to three candidates will then be selected to stand for election. The CE will be returned by election on the basis of one-person-one-vote. • The nominating committee should be formed on the basis of the existing Election Committee, with all Hong Kong members of the CPPCC included. • Aspiring individuals should be required to receive nominations from 1/4 of the nominating committee members to become candidates. This is to ensure that candidates are qualified and endorsed by different parties. • Finally, the CE will be returned by universal suffrage.
Hong Kong Social Workers Association (Views on the 2006 Policy Address)	29.8.2006	<ul style="list-style-type: none"> • Before universal suffrage for CE is implemented, the electorate base of the Election Committee should be expanded.
Kowloon City District Resident Association	30.8.2006	<ul style="list-style-type: none"> • The functions of the existing Election Committee should be changed by retaining the function of nominating

<u>Organizations/individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
		<p>CE candidates while removing that of electing the CE.</p> <ul style="list-style-type: none"> • The formation of the Election Committee based on different professions/sectors, the election method and the size of membership at 800 should remain unchanged. • Candidates should secure a prescribed number of nominations from the nominating committee members before they can enter the stage which their eligibility will be verified by the Electoral Affairs Commission. The nomination threshold should be lower than the present one (i.e. 100 nominations). For example, the minimum requirement may be set at 50 nominations. • Each member may nominate only one candidate. • It is appropriate to limit the number of candidates to two. If more than two contenders have received the required number of nominations, the two who secured the highest number of nominations will become CE candidates. • The CE will be returned by election on the basis of one-person-one-vote by all eligible voters.
Civic Party (Civic Party's Policy)	31.8.2006	<ul style="list-style-type: none"> • Hong Kong is long ready for implementing universal suffrage for

<u>Organizations/individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
Expectations of the SAR Government)		the two elections. Democratic election to be held on the basis of equal and universal suffrage is a prerequisite for being an “international city”.
Democratic Party (Democratic Party’s submission for the 2006/07 Policy Address "The Building of a Truly Accountable Government")	4.9.2006	<ul style="list-style-type: none"> • The nominating committee should be formed by LegCo Members. The CE should be returned by election on the basis of one-person-one-vote and appointed by the Central People's Government. • A CE candidate may be nominated by five LegCo Members. Each LegCo Member may nominate only one candidate. • A candidate with political party background, if elected as CE by universal suffrage, should not be required to withdraw from his party.
SynergyNet (Views submitted at the consultation meeting of the 2006/07 Policy Address)	5.9.2006	<ul style="list-style-type: none"> • In order to improve governance, the Government should carry out political reforms with a view to attaining universal suffrage and enhancing its legitimacy.
Kowloon Federation of Associations (Opinion survey on expectations of the 2006-07 Policy Address)	5.9.2006	<ul style="list-style-type: none"> • Under the principle of gradual and orderly progress in taking forward Hong Kong’s constitutional development, this Association supports taking the approach of “resolving the simple issues before the difficult ones”. The issue of electing the CE by universal suffrage

<u>Organizations/individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
The Chinese Manufacturers' Association of Hong Kong	13.9.2006	<p>should be handled first. The elections of the CE and LegCo by universal suffrage should not be bundled together, otherwise the pace of constitutional development in Hong Kong will be dampened.</p> <ul style="list-style-type: none"> • Universal suffrage for electing the CE should be implemented before that for forming the LegCo. • Reference should be made to the composition of the existing Election Committee. The number of members should remain at 800. The Committee should be formed by four sectors: (a) 200 members from the industrial, commercial and financial sectors; (b) 200 members from various professions; (c) 200 members from the labour, social services, religious sectors; (d) 200 members from LegCo Members, representatives of district-based organizations, Hong Kong deputies to the NPC, and representatives of Hong Kong members of the CPPCC. • The election method should be modelled on that for the existing Election Committee to ensure smooth transition from the old to the new electoral system. • Nominating committee members should select, by election on the basis of one-person-one-vote, not more than three CE candidates from those

<u>Organizations/individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
		<p>who have obtained nominations from 100 or more members.</p>
		<ul style="list-style-type: none"> The CE should be returned by universal suffrage on the basis of one-person-one-vote. Among the CE candidates (no more than three), the one who obtains the highest number of valid votes cast will be returned as the CE elect, who will then be officially appointed by the Central People's Government as the CE.
<p>Professor WONG Ka-ying</p>	<p>14.9.2006</p>	<ul style="list-style-type: none"> To maintain the current Election Committee system and the nomination threshold with a view to pursuing the implementation of universal suffrage in 2012. This can respond to the demand of the pro-democracy camp for early attainment of universal suffrage. The proposal should serve as a basis for compromise between the Central Authorities and the pro-democracy camp on the issue of electing the CE by universal suffrage.
<p>Mr. Ivan CHOY Chi-keung</p>	<p>2.10.2006</p>	<ul style="list-style-type: none"> The delineation of the sectors of the existing Election Committee can generally be adopted. That is, if the nominating committee comprises 800 members, 200 can be from the industrial, commercial and financial sectors, 200 from the professions, 200 from the political sector and 200 from various sectors of the community. Members of different sectors of the

Organizations/individuals
making the submissions

Date of
Submission

Summary of Views

nominating committee should be returned by democratic elections as far as possible, so as to enhance the representativeness and credibility of the nominating committee.

- In essence, if a certain nomination threshold is set to help forge consensus of different parties on implementing universal suffrage for the CE in 2012, a timetable should be formulated to abolish such a threshold in two or three terms.
- For electing the CE by universal suffrage for the first time, a relatively higher number of subscribers could be required (e.g. 100). Thereafter, the number of subscribers required should be reduced gradually.
- Among the 100 subscribers, the number of subscribers from each of the four sectors should at least be 10.
- Among the 100 subscribers, at least 15 should come from LegCo Members.
- A two-round voting system should be adopted. Any candidate who has received more than half of the votes cast in the first round will be elected. If none of the candidates is able to obtain more than half of the votes, the two candidates receiving the highest number of votes will enter into the second and final round. The candidate

<u>Organizations/individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
Mr CHANG Chak-yan	23.11.2006	<p>who receives a majority of votes in the second round will be elected.</p> <ul style="list-style-type: none"> • In principle, it is impossible to break away from the realm of sovereignty. Also, according to international practice, the power to make appointment reflects the sovereignty of a country. After assessing political risks, the proposal to prescreen CE candidates before universal suffrage is preferable. • In order to remove doubts about verification of the eligibility of candidates and reduce political controversies, the best course of action is to reach consensus first before enacting a law on verification of the eligibility of CE candidates.
Kowloon Federation of Associations	4.12.2006	<ul style="list-style-type: none"> • Should first deal with the election of the CE by universal suffrage, which is less controversial and adopt the pragmatic approach of “resolving the simple issues before the difficult ones”. Support focusing on handling the election of the CE by universal suffrage first. • The roadmap of universal suffrage should be drawn up first with a view to reaching consensus among different sectors of society. Practical and sound proposals on the timetable issue could then follow. • The Election Committee should

<u>Organizations/individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
Mrs Anson Chan and her Core Group	5.3.2007	<p data-bbox="901 358 1484 443">double its membership to 1600 and turn into a nominating committee.</p> <ul style="list-style-type: none"> <li data-bbox="853 492 1484 958">• The total nominations secured by a CE candidate from the 1 600-member nominating committee should not be less than 100 (i.e. 1/16). Nominations so secured should include at least 10 nominations from each of the four sectors within the nominating committee. In addition, it should include nominations from at least five LegCo Members and five HK Deputies to the NPC. <li data-bbox="853 1008 1484 1344">• A CE candidate should be required to secure more than 50% of the valid votes cast to get elected. If none of the candidates obtains more than 50% of the valid votes cast, a second round should be held to elect the CE among the two candidates who have received the highest votes in the first round. <li data-bbox="853 1393 1484 1608">• Increasing the size of the nominating committee will not, in itself, help to make the nominating committee more truly representative of the Hong Kong community. <li data-bbox="853 1657 1484 1989">• If the option of converting the present Election Committee into the nominating committee is to be selected, then it will be necessary to take steps to broaden the franchise of the sub-sectors, as well as to consider the addition of further sub-sectors to ensure that, as far as possible, the

Organizations/individuals
making the submissions

Date of
Submission

Summary of Views

members of the nominating committee can legitimately claim to represent the wishes of the community as a whole.

- Candidates are required to receive nominations from 10% of nominating committee members. If the size of the nominating committee is kept at 800 members, this would mean that prospective candidates require a minimum of 80 nominations.
- Implementation of universal suffrage for the election of the CE raises far fewer issues to be resolved than in the case of implementation of universal suffrage for elections to LegCo. Given the wide measure of consensus which already exists within the community, in relation to the principle of converting the current Election Committee into the future nominating committee, there seems to be no fundamental reason why universal suffrage for the CE election should not be introduced at the first permissible date, namely in 2012.
- Before the Basic Law could be amended to abolish the nominating committee, the nominating committee should be transformed, in 2012, from the existing 800-member Election Committee. By also including about 400 elected District Council members, the nominating committee would become 1200-member strong.

21 LegCo Members

27.3.2007

Organizations/individuals
making the submissions

Date of
Submission

Summary of Views

- CE candidates could be nominated by 50 members from any sector.
- CE should be returned by universal suffrage though “one-person-one-vote”.

**Public views on possible models for
electing the Chief Executive by universal suffrage**

Written submissions received by the Legislative Council

<u>Organizations/individuals making the submissions</u> (Submission No. ^{Note})	<u>Date of Submission</u>	<u>Summary of Views</u>
Hong Kong Bar Association (Submission No. 03 in Appendix I to LC Paper No. CB(2)2386/05- 06(01))	3.3.2000	All members of the Election Committee shall be returned by direct or indirect election; at least half of the members of the Election Committee be returned by geographical constituency election by universal suffrage.
Hong Kong University Graduates Association Political Reform Concern Group (Submission No. 04 in Appendix I to LC Paper No. CB(2)2386/05- 06(01))	9.2004	<ul style="list-style-type: none">• To transform the 800-member Election Committee into a 1200-member nominating committee. The method for electing members should be similar to that of the existing Election Committee.• A CE candidate should be jointly nominated by not less than 150, but not more than 200 members of the nominating committee (with not less than 25 members from each sector). Each member may nominate only one candidate.• Election of the CE by universal suffrage will be held after nomination. As regards the election and vote counting methods, consideration should be given to requiring a candidate to secure more

<u>Organizations/individuals making the submissions</u> (Submission No. ^{Note})	<u>Date of Submission</u>	<u>Summary of Views</u>
Civic Exchange (Submission No. 01 in Appendix I to LC Paper No. CB(2)2386/05-06(01))	15.2.2005	<p>than half of the valid votes in order to be elected.</p> <ul style="list-style-type: none"> • The Election Committee to be composed of not less than 5 000 members and be changed into a nominating committee. • As regards the composition of the nominating committee, apart from the ex-officio members (such as the Legislative Council Members, 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), the other members may be selected at random based on each of the District Council constituency. • A candidate needs to secure nominations from not less than 250 members of the nominating committee and 2 500 registered voters in order to be qualified to stand at election.
Association for the Advancement of Feminism (Submission No. 14 in Appendix I to LC Paper No. CB(2)2386/05-06(01))	9.11.2005	The Chief Executive should be elected by direct election on a “one-person-one-vote” basis. No need to establish any form of election committee.

<u>Organizations/individuals making the submissions</u> (Submission No. ^{Note})	<u>Date of Submission</u>	<u>Summary of Views</u>
Hon LEUNG Kwok-hung (Submission No. 13 in Appendix I to LC Paper No. CB(2)2386/05-06(01))	16.1.2006	It is inappropriate to retain the nominating committee for the selection of the CE. A candidate can only be nominated when he has secured support from a specified percentage of registered voters. The nomination and election proceedings should adhere to the principle of “one-person-one-vote”.
Democratic Party (Submission No. 02 in Appendix I to LC Paper No. CB(2)2386/05-06(01))	4.2006	The nominating committee to be formed by the Members of the LegCo. The CE should then be elected by members of the public on a “one-person-one-vote” basis and appointed by the CPG. A CE candidate is to be nominated by five LegCo Members. Each Member may nominate only one candidate.
Hon CHEUNG Man-Kwong (LC Paper No. CB(2) 1022/06-07)	18.12.2006	The Government should make reference to the “dual nomination system” as practised by other countries, under which candidates may either be nominated by a nominating committee or by the public if they could enlist a certain percentage of public support. Aspiring candidates who are able to secure nominations from 5% of voters should be eligible to stand for the CE election.

Note: Please refer to the Legislative Council webpage for the original text of the submissions (LC Paper No. CB(2)2386/05-06(01)).
(www.legco.gov.hk/yr05-06/english/panels/ca/papers/ca0619cb2-2386-1e.pdf)

**Views on possible models for
electing the Chief Executive by universal suffrage**

**Written submissions received by
the Committee on Governance and Political Development
of the Commission on Strategic Development**

<u>Members Submitting Views</u>	<u>Date of Submission</u>	<u>Summary of Views</u> ^{Note}
Hon. LEE Cheuk-yan	9.1.2006	<ul style="list-style-type: none">• The composition of the nominating committee must realize the principle of universal and equal rights for all citizens to nominate and be nominated. The current composition of the Election Committee stipulated in Annex I to the Basic Law is obviously not in line with the principle of equal and universal rights. It will not be consistent with the provisions of “democratic procedures” and “ultimate aim of universal suffrage” stipulated in Article 45 if such a composition is taken as a blueprint for forming the nominating committee.• Regarding the voting method for electing the CE by universal suffrage, it is necessary to consider whether to adopt a “simple majority” voting method or a “two-round polling system” (i.e. if no candidate obtains more than half of the valid votes cast in the first round of polling, a second round will be held for voters to elect the CE between the two candidates obtaining the most votes in the first round).

<u>Members Submitting Views</u>	<u>Date of Submission</u>	<u>Summary of Views</u> ^{Note}
Mr. CHAN Chung-bun, Bunny	20.1.2006	To expand considerably the membership of the Election Committee (including all District Council members as originally proposed by the Government).
Hon. LEE Wing-tat	26.5.2006	<ul style="list-style-type: none"> • The nominating committee should be composed of the Members of LegCo, and the CE should be elected on a “one-person-one-vote” basis. • A CE candidate may be nominated by five LegCo Members. Each Member may nominate only one candidate. As such, the number of candidates will be capped at 12.
Hon. LEE Cheuk-yan	7.2006	<ul style="list-style-type: none"> • It will not be consistent with the principle of democratic election and the provisions of Article 45 of the Basic Law if the Election Committee is used as a basis for forming the nominating committee. • Political parties or groups with certain representativeness (or alliances formed by political parties / groups) may recommend a contender to the nominating committee to stand for the CE election. • 50 000 (or 100 000) registered voters may also jointly recommend a contender to the nominating committee to stand for election. • Even if a contender is recommended by political parties/groups, he should not be considered as a nominee for the

Members Submitting Views	Date of Submission	Summary of Views ^{Note}
Mr. TAM Kwok-kiu	19.7.2006	<p data-bbox="876 360 1481 524">election. He will become a formal candidate for the CE election only after the recommendation is validated by the nominating committee.</p> <ul data-bbox="826 577 1481 1081" style="list-style-type: none"> <li data-bbox="826 577 1481 1081">• Regarding the voting method for electing the CE by universal suffrage, it is necessary to consider whether to adopt a “simple majority” voting method or a “two-round system” (i.e. if no candidate obtains more than half of the valid votes cast in the first round of polling, a second round will be held for voters to elect the CE among the two candidates who have received the highest number of votes in the first round). <p data-bbox="826 1133 967 1167"><u>Option 1:</u></p> <ul data-bbox="826 1223 1481 1904" style="list-style-type: none"> <li data-bbox="826 1223 1481 1429">• To transform the existing Election Committee into a nominating committee. To expand the number of members from the present 800 to 3 200; <li data-bbox="826 1525 1481 1644">• The electorate base of the nominating committee should be expanded to cover all eligible voters in Hong Kong; <li data-bbox="826 1697 1481 1904">• Certain sectors should be added or removed, and some should have its composition adjusted to reflect the relative importance of these sectors in the community;

Members Submitting
Views

Date of
Submission

Summary of Views^{Note}

- Each voter should be assigned to one of the sectors according to the new delineation, and should have the right to vote and stand for election in the respective sector;
- The number of seats allocated to the respective sectors in the nominating committee should be proportionate to their population size;
- To abolish corporate voting;
- A CE candidate should be required to secure nominations from at least 5% of the members of the nominating committee. Each member of the nominating committee may nominate only one candidate;
- The number of candidates should be limited to 10. Candidates will be ranked according to the number of nominations they received. The 10 people who received the highest number of nominations will be qualified for formal candidacy; and
- A CE should be returned by universal suffrage on the basis of “one-person-one vote” by a “simple majority voting method”. The CE elect will become the CE of the SAR upon appointment by the Central People's Government.

<u>Members Submitting Views</u>	<u>Date of Submission</u>	<u>Summary of Views</u> ^{Note}
Miss Maria TAM Wai-chu	28.7.2006	<p data-bbox="826 360 967 398"><u>Option 2:</u></p> <ul data-bbox="826 450 1481 1301" style="list-style-type: none"> <li data-bbox="826 450 1481 568">• The future nominating committee should be formed by all 60 Members of the LegCo; <li data-bbox="826 622 1481 958">• Only those who have secured nominations from 10% of the Members of the LegCo (i.e. 6 Members) should formally become a candidate in the CE election. Each LegCo Member may nominate only one candidate, thus limiting the number of candidates to 10; and <li data-bbox="826 1012 1481 1301">• A CE should be returned by universal suffrage on the basis of “one-person-one vote” by a “simple majority voting method”. The CE elect will become the CE of the SAR upon appointment by the Central People's Government.
		<ul data-bbox="826 1352 1481 1993" style="list-style-type: none"> <li data-bbox="826 1352 1481 1608">• To use the Election Committee as a basis and to maintain the four sectors, namely the industrial and commercial, the professions, grassroots and political sectors, each taking up one-fourth of the seats. <li data-bbox="826 1662 1481 1816">• The nomination threshold should not be too low, as this will lead to too many candidates with mixed quality standing for election. <li data-bbox="826 1870 1481 1993">• It is more appropriate to first focus on discussing the operation of the first-term nominating committee. The

<u>Members Submitting Views</u>	<u>Date of Submission</u>	<u>Summary of Views</u> ^{Note}
Mr. YU Kwok-chun	28.7.2006	<p data-bbox="874 360 1481 479">nomination method of the subsequent terms should be improved gradually in future.</p> <ul data-bbox="826 539 1481 1823" style="list-style-type: none"> <li data-bbox="826 539 1481 786">• For electing the CE by universal suffrage for the first time, the nomination threshold should be set at 25% of all members of the nominating committee. In principle, there should be no more than four candidates. <li data-bbox="826 837 1481 1084">• Apart from receiving the required number of subscribers, candidates should also have the support of at least one-fourth of all Members of the LegCo and one-fourth of the Hong Kong deputies to the NPC. <li data-bbox="826 1137 1481 1308">• The existing Election Committee should serve as a blueprint for forming the nominating committee, with adjustments made as appropriate. <li data-bbox="826 1361 1481 1473">• All Hong Kong members of the CPPCC should be included in the nominating committee. <li data-bbox="826 1527 1481 1697">• For the election of the first CE by universal suffrage, the nomination threshold should be set at 25% of members of the nominating committee. <li data-bbox="826 1751 1481 1823">• Following nomination, the CE will be returned by universal suffrage.
Mr. NG Sze-fuk, George	28.7.2006	<ul data-bbox="826 1877 1481 1998" style="list-style-type: none"> <li data-bbox="826 1877 1481 1998">• The Election Committee should serve as the blueprint for forming the nominating committee.

<u>Members Submitting Views</u>	<u>Date of Submission</u>	<u>Summary of Views</u> ^{Note}
Hon. SHEK Lai-him, Abraham	28.7.2006	<ul style="list-style-type: none"> <li data-bbox="831 365 1481 651">• The number of members of the nominating committee could be modeled on that of the Election Committee, and be adjusted appropriately in the light of the actual situation in Hong Kong and public views. <li data-bbox="831 712 1481 1301">• The number of candidates should be limited to four. A preliminary selection mechanism should be set up to enable aspiring candidates to pass a lower threshold. For example, contenders who are able to secure 100 supporting signatures from the 800-strong nominating committee will undergo the preliminary selection mechanism. Members of the nominating committee may cast a maximum of four votes by secret ballot and those four contenders receiving the highest number of votes will become CE candidates. <li data-bbox="831 1350 1481 1731">• The composition of the nominating committee should model on the four sectors of the existing Election Committee. On this basis, corresponding adjustments could be made e.g. to increase the number of members from the business sector to encourage greater participation of the sector in the process. <li data-bbox="831 1787 1481 1946">• The number of members of the nominating committee should double that of the existing Election Committee, amounting to 1 600.

<u>Members Submitting Views</u>	<u>Date of Submission</u>	<u>Summary of Views</u> ^{Note}
Mr. CHAU How-chen	28.7.2006	<ul style="list-style-type: none"> • All new seats should be allocated to the existing four sectors, with more seats for members from the business sector. The proportion of members from the industrial, commercial and financial sectors should be increased from the current 25% to 35% to reflect the sectors' commitment to and influence on the Hong Kong community. • The nomination threshold should be increased from the current 12.5% to 25%. • There should not be any upper limit on the number of subscribers required for nomination. • Each member of the nominating committee may nominate only one candidate. • The CE should be elected by all eligible voters in Hong Kong on the basis of one-person-one-vote. • Abolition of corporate voting will hamper the participation of the business sector and undermine the confidence of investors in Hong Kong. It is not in line with the fundamental interests of Hong Kong. <ul style="list-style-type: none"> • The existing Election Committee should be taken as a blueprint for forming the nominating committee. • The number of members of the

Members Submitting
Views

Date of
Submission

Summary of Views^{Note}

nominating committee should be increased to 1 600, of which different strata and major sectors of the community should be included.

- A relatively higher nomination threshold for candidates should be set to ensure that they are capable of soliciting support from different sectors of society.
- Each candidate should receive at least 400 nominations. Each member of the nominating committee can only nominate one candidate.
- There should be an upper limit for the number of subscribers, say 50% of the members of the nominating committee. There will be two to four candidates under such a nomination mechanism.
- In addition, each candidate should also secure supporting signatures from not less than 5 000 registered voters. Each registered voter may sign up to support one candidate.
- The particulars of candidates should be submitted to the Central Government for the record. The CE will then be returned by universal suffrage on the basis of one-person-one-vote by secret ballot, using the simple majority voting method. There is no need to set up a threshold for the percentage of votes to be received by the winning candidate. The candidate who receives the highest

<u>Members Submitting Views</u>	<u>Date of Submission</u>	<u>Summary of Views</u> ^{Note}
Mr. SZE Chin-hung, Jerome	31.7.2006	<p>number of votes will be elected for appointment by the Central Government in accordance with the Basic Law.</p> <ul style="list-style-type: none"> • In forming a “broadly representative” nominating committee, the following three areas should be considered: <ol style="list-style-type: none"> (1) to carefully examine whether the existing 38 subsectors of the Election Committee are sufficiently broadly representative; (2) all Hong Kong members of the CPPCC should become members of the nominating committee; (3) in principle, it is reasonable to have a nominating committee larger than the Election Committee. It will be conducive to allowing contenders from different sectors to secure nominations by expanding the number and size of the subsectors. • The nomination threshold should allow no less than six candidates to get nominated. • The nominating committee can exercise a veto power. Any contender who is vetoed by 50% or more of the members will automatically lose his eligibility for nomination.
Mr. LAU Nai-keung	1.8.2006	<ul style="list-style-type: none"> • The nominating committee should comprise about 1 500 members:

Members Submitting
Views

Date of
Submission

Summary of Views^{Note}

The first sector

200 members from the business sectors. Corporate voting should be abolished.

The second sector

200 members from the professions. Corporate voting should be abolished.

The third sector

200 members from education and social welfare sectors. Corporate voting should be abolished.

The fourth sector

Around 200 members representing the establishment of the Central Authorities, including the deputies to the NPC and members of the CPPCC.

The fifth sector

Around 200 ex-officio members representing the establishment of the HKSAR, including the CE, members of the Executive Council, all Members of the LegCo, as well as chairpersons of standing advisory bodies.

The sixth sector

Around 500 ex-officio members representing the district organizations, including all elected DC members.

- The nominating committee is highly representative of the population since all elected DC members are included. There is no need to consider adding

Members Submitting
Views

Date of
Submission

Summary of Views^{Note}

other functional sectors such as housewives.

- Contenders should be required to receive nominations from not less than 10% (about 150 members) and not more than 30% (about 450 members) of the members of the nominating committee. They should also obtain nominations from not less than 10% of the members in each of the sectors (about 20 from each of the first five sectors, and 50 from the 6th sector) to formally become a CE candidate. Each member of the nominating committee may nominate one candidate, and the nominations should be made public and on record.
- Universal suffrage should be held four months before the current term of the office of the CE expires. The new CE should be elected by all eligible and registered electors on the basis of one-person-one-vote by secret ballot.
- Polling should still be held even if there is only one candidate. The candidate must receive more than half of the votes cast before being put forth for appointment by the Central Government. The election will become invalid if the candidate fails to receive more than half of the votes. A fresh round of nomination and election should be held within two months. The proceedings will continue until a new CE is elected.

<u>Members Submitting Views</u>	<u>Date of Submission</u>	<u>Summary of Views</u> ^{Note}
Ms KO Po-ling	30.8.2006	<ul style="list-style-type: none"> <li data-bbox="831 409 1481 824">• If none of the candidates is able to receive more than half of the votes cast, the two candidates with the highest number of votes will contest the second round of election which should be held within two weeks. The candidate who receives more than half of the votes will be elected and put forth for appointment by the Central Government. <li data-bbox="831 880 1481 999">• The nominating committee should comprise 1 600 members from different sectors. <li data-bbox="831 1055 1481 1346">• Those who stand for the CE election must receive nominations from 50 or more members of the nominating committee. Among the nominations, five should be from LegCo Members and five from the Hong Kong deputies to the NPC. <li data-bbox="831 1402 1481 1946">• Contenders should go through preliminary selection procedures. Each member of the nominating committee can select two contenders. The two contenders having the highest number of votes will become CE candidates. All eligible electors in Hong Kong may cast their votes on the basis of one-person-one-vote. The candidate who receives more than 50% of the valid votes cast will be elected and put forth for appointment by the Central People's Government.

<u>Members Submitting Views</u>	<u>Date of Submission</u>	<u>Summary of Views</u> ^{Note}
Mr. CHAN Chung-bun, Bunny	31.8.2006	<ul style="list-style-type: none"> • The Election Committee should be taken as a blueprint, but the number of members should be increased. The 800-member Election Committee comprises four sectors (each with 200 members). These four sectors should be maintained, while the number of members of each sector should be increased to 300 (i.e. the nominating committee will have 1 200 members). • Each candidate must receive nominations from at least 240 (i.e. 20%) members of the nominating committee (if the total membership of the committee is increased to 1 200). • Each member of the nominating committee may nominate only one candidate. • The number of subscriptions obtained by a candidate should be capped at half of the total membership of the nominating committee. • Under the executive-led principle, it is important that a candidate will be elected as the CE only if he obtains more than half of the votes cast. <p><u>Option 1:</u> Candidates who receive the smallest number of votes will be eliminated first. Polling arrangements will then be made for voters to elect from among the remaining candidates. After one or</p>

Members Submitting Views	Date of Submission	Summary of Views ^{Note}
Hon. LEE Wing-tat	9.2006	<p>more rounds of elections, there will finally be two candidates left. The candidate who secures more than half of the votes cast will become the CE.</p> <p><u>Option 2:</u> To limit the number of candidates standing for the election by universal suffrage. Only the two candidates receiving the highest number of nominations should appear on the list. The candidate so returned must have received more than half of the votes cast.</p>
Mr. SZE Chin-hung, Jerome	5.9.2006	<ul style="list-style-type: none"> • The nominating committee should be formed by LegCo Members for nominating CE candidates, who will then be elected by universal suffrage on the basis of one-person-one-vote. • A lower nomination threshold should be set - five LegCo Members may jointly nominate a candidate to stand for election. • There are two requirements for nomination under the Basic Law - nomination by a “broadly representative” nominating committee “in accordance with democratic procedures”. <p>The first requirement is to admit individuals who are “broadly representative” into the nominating committee so that they can nominate aspiring contenders in their personal</p>

<u>Members Submitting Views</u>	<u>Date of Submission</u>	<u>Summary of Views</u> ^{Note}
Hon. TIEN Pei-chun, James	8.9.2006	<p>capacity.</p> <p>The second requirement is that the committee as a whole will nominate “formal” candidates “in accordance with democratic procedures”. Those who have received the prescribed number of subscription should undergo a “veto or confidence voting” by all members of the committee “in accordance with democratic procedures”. A member may indicate on the nomination list the candidates whom they have no confidence on. Any nominees who are “vetoed” by 50% or more of the members will lose their eligibility in running the election.</p> <ul style="list-style-type: none"> • Provided that favorable conditions are available (e.g. with good coordination in political work), 2012 could be the earliest possible date for implementing universal suffrage for the CE election. • Before implementing universal suffrage for the CE election, it is necessary to enhance cooperation between the executive authorities and the legislature. In this regard, the formation of a governing coalition can ensure that government policies will have regular and sufficient support in the LegCo.
Mr. WONG Ying-ho, Kennedy	14.9.2006	<ul style="list-style-type: none"> • In regard to the election of the CE by universal suffrage for the first time, consideration can be given to transforming the Election Committee into a nominating committee in accordance with the existing method

Members Submitting
Views

Date of
Submission

Summary of Views^{Note}

for forming the Election Committee. The membership of 800 should remain unchanged.

- The composition of some trades may have undergone major changes, with some new sectors keep emerging. Suitable adjustments should be made in the light of the actual situation, but such adjustments should not deviate from the guiding principles stipulated in the Basic Law (i.e. each sector to take up one-fourth of the membership of the nominating committee).
- The operation of the nominating committee can be divided into two stages:

Stage 1: Aspiring contenders should first receive supporting signatures from 100 (or more) members of the nominating committee, with at least 25 signatures from each of the four sectors. Each member of the committee may support eight candidates at most.

Stage 2: The 800 members of the nominating committee should select candidates by secret ballot. It should be prescribed in the Chief Executive Election Ordinance that the maximum number of candidates is three. The number of votes to be cast by nominating committee members will be determined by the number of contenders, with a maximum of three.

Members Submitting Views	Date of Submission	Summary of Views ^{Note}
Ms CHOW, Wendy	18.9.2006	<ul style="list-style-type: none"> • If there are more than three contenders, each member of the nominating committee may cast three votes to nominate three nominees. If there are only three contenders, each member may cast two votes. The contenders who secure more than half (i.e. more than 400 votes) of the votes will be selected as CE candidates. • If there are only two contenders, the abovementioned voting procedures should take place to return candidates. If there is only one contender, members should cast a vote of confidence in accordance with the above procedures and the contender should not be selected as candidate automatically. • To take the first and the subsequent two elections of the CE by universal suffrage as a pilot scheme. A review should be conducted to formulate a long term electoral method thereafter. • During the pilot period, the electoral method for electing the CE by universal suffrage can be carried out in 3 stages: <ul style="list-style-type: none"> <u>Stage 1</u> To transform the Election Committee to a nominating committee. The number of members should remain unchanged. The nomination threshold should be raised to 20%.

Members Submitting
Views

Date of
Submission

Summary of Views^{Note}

If there are more than two eligible CE candidates, the CE will be elected by eligible registered voters on the basis of one-person-one-vote through two rounds of elections.

Stage 2

The original four sectors should be maintained, but a fifth sector (comprising 200 members who are directly elected by all eligible voters from different districts on the basis of one-person-one-vote) will be added.

Voters may choose to vote in one of the five sectors to which they are qualified to vote. Corporate voting should be abolished.

Candidates will be required to receive nominations from not less than 20% of members in each of the sectors. Among the nominations, at least 10% should come from Hong Kong deputies to the NPC and Hong Kong members of the CPPCC.

The voting method will be the same as that in stage 1.

Stage 3

The membership of the fifth sector (directly elected members) should increase from 200 to 400.

Nomination and voting methods are the same as those in stage 2.

<u>Members Submitting Views</u>	<u>Date of Submission</u>	<u>Summary of Views</u> ^{Note}
Dr LEUNG Mei-fun, Priscilla	22.9.2006	<p>The electoral system should be reviewed after completion of the third election of the CE by universal suffrage.</p> <ul style="list-style-type: none"> • The number of the nominating committee members should increase to 1 600. Making reference to the existing method for forming the Election Committee, the nominating committee should comprise the original four sectors, with the membership in each sector doubled and returned through either election or consultations. • The nominating committee may subsequently be further expanded and returned by universal suffrage. • Contenders must receive at least 300 nominations. Eligible candidates will be elected by all voters in Hong Kong on the basis of one-person-one-vote. • The Registration and Electoral Office of Hong Kong should submit the names of candidates who have received sufficient nominations to the Central Government. Verification of their eligibility will be conducted by the Hong Kong and Macao Affairs Office of the State Council, which is a department directly under the Central Government. • Upon verification of the eligibility of candidates, election by universal

<u>Members Submitting Views</u>	<u>Date of Submission</u>	<u>Summary of Views</u> ^{Note}
Mr. SZE Chin-hung, Jerome	3.10.2006	<p>suffrage can be conducted. The CE elected by universal suffrage can be appointed by the Central Government in a smooth manner.</p> <ul style="list-style-type: none"> • Before universal suffrage can be implemented in Hong Kong, a mechanism for the nominating committee to carry out preliminary screening should be established. This is to allow patriots with the capability to govern Hong Kong to stand for election. • Membership of the nominating committee should be 1 200. • The nomination procedures should involve two steps: <ul style="list-style-type: none"> (1) Each member of the nominating committee may nominate one potential candidate, who must receive support from 150 (12.5%) members of the nominating committee. (2) After potential candidates are put forth, all members of the nominating committee should exercise their veto power to vote down those who fail to meet the requirements (i.e. candidates should have the capability to govern Hong Kong and should be patriotic). Potential candidates who are vetoed by more than half of the members would lose their eligibility as

<u>Members Submitting Views</u>	<u>Date of Submission</u>	<u>Summary of Views</u> ^{Note}
Ms FONG, Janie	6.10.2006	<p>candidates.</p> <ul style="list-style-type: none"> • The nominating committee should comprise 800 to 1 600 members. • The nomination threshold should be set at 12.5% to 25% of the membership. • Each member may nominate only one candidate. • Simple majority voting method should be used.
Mr LIE-A-CHEONG Tai-chong, David	23.11.2006	<ul style="list-style-type: none"> • A consensus should first be reached on the constitutional development proposals put forth by the Government in 2005. On this basis, the existing Election Committee should be expanded. In addition to the current 800 members, consideration could be given to including all DC members and HK members of the CPPCC. Those from sectors which are not yet included could also be included as appropriate. The size of the Election Committee should not exceed 1600. • The Election Committee is only a transitional arrangement, which should be improved through operation. Ultimately, it could turn into a nominating committee when universal suffrage for CE is attained.
Dr LEUNG Mei-fun, Priscilla	23.11.2006	<ul style="list-style-type: none"> • The Central Authorities and Hong Kong will face a great political crisis if candidates returned by universal suffrage are in the end not appointed by

<u>Members Submitting Views</u>	<u>Date of Submission</u>	<u>Summary of Views</u> ^{Note}
Mr SHIH Wing-ching	7.3.2007 & 8.3.2007	<p>the Central Authorities.</p> <ul style="list-style-type: none"> • A simple and forthright approach is to allow the Central Authorities to participate directly in the candidate selection process. • If the proposal of allowing the Central Authorities to verify the eligibility of candidates could hardly be accepted, consideration may be given to forming a committee. Selection of members and composition of the committee could further be examined (participation of Hong Kong people in the committee should not be ruled out). • The function of this committee is mainly to verify the eligibility of candidates. The size of the committee should not be too big. Its role is to verify eligibility of candidates, rather than nominating candidates. <ul style="list-style-type: none"> • The role of Election Committee should first be changed from selecting the CE to selecting CE candidates for universal suffrage. • Hong Kong deputies to the National People's Congress and Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference could be ex-official members. Other members should mainly come from the functional constituencies. • The nomination threshold could be

Members Submitting
Views

Date of
Submission

Summary of Views^{Note}

lowered to require 30 subscribers, so that more people could participate. The Election Committee should elect three “formal” candidates for universal suffrage.

Note: Please refer to the Central Policy Unit webpage (“Committee on Governance and Political Development – Members’ views on strategic issues discussed outside committee meetings”) for the original text of the submissions.

(www.cpu.gov.hk/english/csd_gc_submissions.htm)

**Commission on Strategic Development
Committee on Governance and Political Development**

**Further Discussion on Possible Models for
Forming the Legislative Council by Universal Suffrage**

Introduction

As stated in the paper “Discussion on models, roadmap and timetable for selecting the Chief Executive by universal suffrage” (Paper No: CSD/GC/3/2007), the HKSAR Government plans to summarize the discussions of the Commission in mid-2007, and publish a Green Paper on constitutional development on the basis of the discussions. A public consultation for three months will be launched.

2. This paper summarizes members’ views on possible models for forming LegCo by universal suffrage, in order to facilitate member’s discussion on the subject in focus and to further narrow differences.

3. The summary of views of various organizations and individuals on possible models for forming LegCo received by the Administration and the LegCo are appended at Annex I and Annex II respectively. A summary of written submissions received from individual members by the Commission Secretariat is at Annex III.

Discussion progress on possible models for forming LegCo by universal suffrage

4. Regarding possible models for forming LegCo by universal suffrage, at the meeting last November, members agreed to set aside for the time being any further discussions on a bicameral system as an option for implementing universal suffrage. The main reasons included:

- (a) the implementation of a bicameral system would entail complicated procedures. Not only would it involve amendments to Annex II to the Basic Law, the principal provisions of the Basic Law might also need to be

amended;

- (b) if there were two chambers, the bills and motions introduced by the Government would need to be passed by both. This would add to the difficulties in getting bills and motions passed, and would not necessarily be conducive to effective governance and administrative efficiency; and
- (c) if the proposal was meant to be only a transitional arrangement, it would not be worth the major political effort involved. If it was meant to be the ultimate model, it might not be consistent with the principle of universal suffrage.

5. However, members had yet to form a mainstream view on the following issues:

- (a) whether FC seats should be abolished altogether or retained in some form; and
- (b) whether transitional arrangements should be put in place before attaining the ultimate aim of universal suffrage, and if so, the model to be adopted.

Possible models for forming the LegCo by universal suffrage

6. Members had discussed in detail whether FC seats should be abolished altogether or retained in some form. However, they still had significant differences on the issue. Members have focused the discussion on the following three main types of options:

- (a) abolishing all FC seats;
- (b) retaining the FC seats in some form, but changes could be made to the electoral system so as to make the arrangements consistent with the principles of universal and equal suffrage; and
- (c) attaining universal suffrage for LegCo in phases.

Abolishing all FC seats

7. Some members considered that all FC seats should be abolished when universal suffrage was implemented. In this regard, specific proposals put forth by members included:

- (a) all seats to be returned by GCs through direct elections, with half of the seats returned by a “single-seat-single-vote” system on a district basis, and the other half by a proportional representation system, under which the whole of Hong Kong would form a single constituency i.e. “one-person-two-votes”; and
- (b) all seats to be returned by “one-person-one-vote”, such that the number of seats allocated to different political parties would be proportional to the respective number of votes they received.

8. Moreover, on 27 March, 21 LegCo Members put forth a proposal on constitutional development in 2012. The proposal suggested adopting a mixed system i.e. half of the LegCo seats would be returned by a simple majority system on the basis of “single-seat-single-vote”, and the other half would be returned by a proportional representation system where the whole of Hong Kong will form a single constituency. Each voter would have two votes¹.

9. Mrs Anson Chan and her core group submitted a proposal to the Commission on 5 March, which suggested phasing out all functional constituencies (FCs) in one go in 2012. It also suggested that the concept of corporate voting be redefined, and that the existing FCs be organized into 10 groups. If it was decided not to introduce universal suffrage in 2012, it was proposed that the 10 electoral groups, introduced in 2008, be further combined in 2012 to form no more than three large groups for voting purposes and that the total number of FC seats be reduced to 15. The balance of 15 seats, vacated by FC members, would be converted into

¹ When running for the Chief Executive election, Hon Alan Leong put forth a proposal for forming LegCo by universal suffrage: abolishing all FC seats altogether in one go; some seats to be returned by the “single-seat-single-vote” system in small constituencies, while some by a proportional representation system in large constituencies. Each voter would have two votes.

directly elected geographical seats, thus paving the way for the complete phasing out of FCs in 2016.

10. However, some members had reservations about the proposal of abolishing all FC seats. The main reason was that, given that any amendment to the electoral methods specified in the Annexes to the Basic Law would require the endorsement of a two-thirds majority of all the members of LegCo, it would not be possible, at this stage, to secure sufficient support in LegCo for a proposal of abolishing all FC seats. On the contrary, they considered it worthwhile to retain the FC seats for reasons including:

- (a) FCs had been playing an important role in LegCo and in society. In particular, they had brought the voices of the business and professional sectors into LegCo and had, through their expertise, assisted LegCo in carrying out legislative function and in monitoring the Government's work. FC members had made contributions to the community;
- (b) FCs could meet the interests of different sectors of society, which was consistent with the principle of "balanced participation"; and
- (c) abolishing FCs altogether was bound to meet with objections from among different sectors of the community, and it would be difficult to reach consensus on the issue.

Changing the electoral method for FC seats

11. Some members proposed that, when universal suffrage was implemented for LegCo, the FC seats should be retained in some form. However, changes could be made to the electoral system, so as to make the arrangements consistent with the principles of universal and equal suffrage. Members discussed various options as to how FC seats could be retained in some form when universal suffrage was implemented:

- (a) Enable voters who were currently not included in FCs to vote in FCs. In other words, each voter would elect LegCo Members on the basis of "one-person-two-votes": one vote to return directly elected GC Members, and the

other to return FC Members.

Those members who supported this proposal considered that, as long as every voter would be entitled to vote for FC Members, the principles of universal and equal suffrage would be complied with.

However, some members considered that under this kind of proposals, there would be very significant disparity in the number of voters among different FCs, leading to inequality in the “value” of each vote. However, other members pointed out that even for universal suffrage which was implemented on the basis of GC elections, it would not be possible for each vote to carry the same “value”.

- (b) Allow FCs to nominate candidates for election by all voters through “one-person-multiple-votes” i.e. one vote to return directly elected GC Members, and multiple votes to return FC Members.

Those members who supported the proposal considered that this could help ensure the candidates would not only look after the interests of individual sectors, but would also strive to gain the support of the community at large. This would be consistent with the principles of universal suffrage and “balanced participation”, and would be conducive to maintaining the long-term prosperity and stability of Hong Kong.

However, some members pointed out that this proposal would require further consideration. For example, if each voter could cast one vote to return directly elected GC members and multiple votes to return 30 FC Members, this would mean that each voter would have 31 votes. The voting system might be too complicated for voters. Moreover, the proposal would restrict voters’ right to nominate, which could not be regarded as being consistent with the principles of “universal” and “equal” suffrage.

- (c) Return half of the seats by “occupational constituencies” through direct elections i.e. eligibility for candidature for these seats would be defined by occupation, and the seats would be returned by universal suffrage.

12. However, members who supported abolishing FCs as soon as possible considered that any electoral system conferring special rights on FCs to nominate candidates or to vote would not be consistent with the principle of universal suffrage.

Attaining universal suffrage for LegCo in phases

13. Although members held diverse views on models for forming LegCo by universal suffrage, they agreed that, in taking forward Hong Kong’s constitutional development, we would have to face the political reality that 30 out of the 60 LegCo seats were returned by FCs. As any amendment to the electoral method for forming LegCo would require the endorsement of a two-thirds majority of all the members of LegCo, in practice, this meant that the endorsement and support of members returned by FCs as well as those returned by GCs through direct elections would be required.

14. On the premise set out above, members considered carefully whether universal suffrage for LegCo should be implemented in phases. A member considered that a transition timetable must be formulated first before discussing the proposals of implementing universal suffrage for LegCo in phases. Also, a member considered that it was worthwhile to examine the proposal of implementing universal suffrage for LegCo in phases, but that the transitional period should not be too long. Particularly, if when universal suffrage for CE were implemented first, the legitimacy of LegCo would be affected. In turn, this would undermine its role to perform checks and balances on the executive authorities.

15. Members put forth the following specific proposals regarding the transitional arrangement:

- (a) to introduce reforms before abolishing the FCs, including expansion of the electorate base of FCs, replacing corporate voting by individual voting, and abolishing or merging some of the existing FCs;

- (b) to return directly elected Members by GCs and, at the same time, to allow FCs to nominate candidates for election by universal suffrage;
- (c) to abolish the FC seats in phases. However, some members considered that this would lead to disputes on which FCs should be abolished first. The problem would not be easy to resolve and the proposal might not receive two-thirds majority support from LegCo; and
- (d) to increase the proportion of district-based seats to FC seats. For example, some members suggested that consideration could be given to increasing the number of GC seats, and at the same time also increase the number of LegCo seats returned by members of District Councils electing amongst themselves.

Roadmap and timetable for forming LegCo by universal suffrage

16. In the Decision of the Standing Committee of the National People's Congress (NPCSC) made on 26 April 2004, it was promulgated that the election of the fourth term LegCo of the HKSAR in 2008 should not be by means of universal suffrage. However, the Decision did not cover the electoral arrangements for the fifth term LegCo election in 2012.

17. In accordance with Annex II to the Basic Law, any amendments to the method of forming LegCo would require the endorsement by a two-thirds majority of all the members of LegCo, the consent of the CE, and they shall be reported to NPCSC for the record.

18. With the approach of “formulating a roadmap before a timetable”, if different sectors of the community could reach consensus on the model and roadmap for forming LegCo by universal suffrage, the timetable for universal suffrage would fall into place naturally². However, the Commission still has significant differences on the model for forming LegCo by universal suffrage. To determine the roadmap and timetable for universal suffrage, it would depend on whether different sectors of the community:

2 For example, a member suggested that the existing 30 FC seats could be phased out in three LegCo terms.

- (a) would agree with the direction that “universal suffrage for the CE should precede that for LegCo”; and
- (b) would agree that universal suffrage for LegCo could be attained in phases.

Conclusion

19. To conclude, regarding possible models for implementing universal suffrage for LegCo, members generally agreed that, when universal suffrage was attained, the FC seats could not continue to be returned by the existing electoral method. Otherwise, it would not be consistent with the ultimate aim of universal suffrage as provided for in the Basic Law.

20. In order to further narrow differences, we suggest that members should endeavour to draw conclusions from the previous discussions and, in particular, examine the following issues:

- (a) whether FC seats should be abolished altogether or retained in some form, and the specific models for implementing universal suffrage; and
- (b) whether transitional arrangements should be put in place before attaining the ultimate aim of universal suffrage, and if so, the model to be adopted.

Constitutional Affairs Bureau
April 2007

Annex I

Public views on possible models for forming the Legislative Council by universal suffrage

Written submissions received by the Government

<u>Organizations/ individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
Mr. Eric K C LI	4.1.2004	<ul style="list-style-type: none">• First phase: add 30 more geographically elected seats and maintain 30 functional constituency (FC) seats.• Second phase: turn the 30 FC seats into nominating committees. Each nominating committee to select no more than three candidates who must then obtain the mandate from the people of Hong Kong in a universally held direct election.• Final phase: all 90 seats open for universal suffrage.
Hong Kong Civic Association	12.1.2004	<ul style="list-style-type: none">• To consider a bicameral legislature consisting of a House of Representatives (i.e. Lower House) and a Senate (i.e. Upper House).• The House of Representatives could be elected on a geographical constituency (GC) basis, at a ratio of one representative for every 120,000 to 150,000 residents, for a

<u>Organizations/ individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
Article 45 Concern Group	28.1.2004	<p>4-year term of office.</p> <ul style="list-style-type: none"> The Senate could have between 40-50 members, about one-quarter of whom would come from the District Councils. The rest of the Senate seats should be apportioned among different sectors, such as commerce and industry, labour, education, culture, medical and social welfare etc. The term of office could be between 4 to 6 years, with half of the Senate seats coming up for election every 2-3 years. <p>The inequities in the current system of FCs are legion. The consequence of these defects in the structure is that the HKSAR Government is out of touch with the citizens. Must reflect to the Central People's Government the positive consequences if a change to universal suffrage is allowed.</p>
The Frontier	29.1.2004	<p>The future development of the political system is already prescribed clearly and in detail in the Basic Law. Article 68(2) provides that "The method for forming the LegCo shall be specified in the light of the actual situation in the HKSAR and in accordance with the principle of gradual and orderly progress. The ultimate aim is the election of all the members of the LegCo by universal</p>

<u>Organizations/ individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
Hong Kong Democratic Foundation and Power for Democracy	13.2.2004	<p>suffrage.”</p> <p>All seats in LegCo should be directly elected. If this ultimate goal is to be delayed, then transitional arrangements should be considered by the Administration, including proposals such as increasing the number of directly-elected seats and reducing the number of FC seats, increasing the number of directly-elected seats only, or increasing the number of both directly-elected and FC seats, or establishing a two-chamber system.</p>
SynergyNet	13.2.2004	<p>The number of LegCo seats should be increased to 90. All Members should be elected by universal suffrage through three different ways to achieve balanced representation:</p> <ul style="list-style-type: none"> <li data-bbox="860 1384 1461 1507">(i) 30 members to be directly elected from single-seat GCs, using the "first past the post" principle. <li data-bbox="860 1559 1461 1975">(ii) 30 members to be directly elected on a regional single-list system. There will be three regions - namely Hong Kong Island, Kowloon and the New Territories. Seats will be allocated on the basis of the percentage of votes received by each list. The number of seats in each region will be dependent on the population of

Organizations/
individuals
making the submissions

Date of
Submission

Summary of Views

the region.

(iii) 30 members to come from designated functional sectors (similar to the existing FCs) to be elected by universal suffrage. This can be done in two ways:

(a) turn all FCs into “occupational constituencies” so that each member of the public will belong to one of these constituencies and can take part in the election of his functional/occupational representative; or

(b) nomination of candidates by recognized bodies of the designated functional sectors (such as business and commerce chambers, trade unions and professional societies); election by universal suffrage.

Democratic Party

25.5.2004

All LegCo Members should be returned by universal suffrage. It is proposed that a mixed system of a “single seat single vote system” and a “proportional representation system” be adopted. The 60 LegCo seats will be divided into two groups. The first group (with 30 seats) will be returned by a “single seat single vote system”.

Organizations/
individuals
making the submissions

Date of
Submission

Summary of Views

The whole of Hong Kong will be divided into 30 constituencies based on population ratio. Another group of seats will be returned by a proportional representation system. The whole of Hong Kong will form a single constituency. In other words, each voter will have two votes for electing LegCo Members.

Hon. Rita FAN

27.9.2004

- The current arrangement under which Members are returned by FCs can be replaced by a new arrangement under which Members will be nominated by the constituents of the FCs and elected by universal suffrage. This can be done over three phases.
- Candidates who are nominated by FCs to participate in election by universal suffrage should be nominated by at least one-third of the electors in the respective sector.

Hong Kong University
Graduates Association
Political Reform
Concern Group

9.2004

- First phase: every eligible GC elector should have voting right in FC elections. Add a “general FC seat” under which all GC electors, whose occupations or professions are not included in other FCs, can be registered as electors.
- Second and final phase: reduce the number of FC seats to less than

<u>Organizations/ individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
Hon. Albert CHAN Wai-yip	15.10.2004	<p>one-fourth, and ultimately change all FC seats to GC directly elected seats.</p> <p>Abolish LegCo FC seats. Increase the number of seats to 90. The whole of Hong Kong to be divided into 45 GCs, with two seats in each GC. Every voter can cast two votes for two candidates. The two candidates receiving the highest number of votes in a constituency will be elected.</p>
Joint Committee for the Promotion of the Basic Law of Hong Kong	21.10.2004	Elect FC members by “one person, one vote”.
Dr. Simon N M YOUNG	1.2005	<ul style="list-style-type: none"> • All LegCo Members to be elected by way of direct elections on the basis of GCs. • From amongst the elected legislators, a sub-group will be further elected on the basis of FCs. The FCs will be based on policy areas. The elected FC legislators could serve as the chairpersons of LegCo Panels, and would also have a role to play in the executive apparatus of government. For example, the new FC legislators must be given a seat in the Executive Council, even if it is only a non-voting one.

<u>Organizations/ individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
Hong Kong Association for Democracy and People's Livelihood	23.3.2005	<ul style="list-style-type: none"> • Only by abolishing the FC seats in the LegCo can implementation of universal suffrage fulfill the principles of balanced participation and gradual and orderly progress.
Liberal Party	31.5.2005	<ul style="list-style-type: none"> • In accordance with the Basic Law, the method for forming the LegCo shall be specified in the light of the actual situation in Hong Kong and in accordance with the principle of gradual and orderly progress. The ultimate aim is the election of all the Members of the LegCo by universal suffrage. However, FC Members' contributions to the LegCo and the Hong Kong community should not be brushed aside. • At present, the number of Members returned by FCs is equal to that of directly elected members. They serve to complement each other. We need to be cautious if this balanced situation is to be changed. There is a suggestion in the community that a bicameral system should be introduced. This suggestion merits consideration by the Administration.
The Democratic Alliance for the	31.5.2005	<ul style="list-style-type: none"> • With regard to constitutional development after 2008, it is

<u>Organizations/ individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
Betterment and Progress of Hong Kong		proposed that favourable conditions should be actively created with a view to achieving the ultimate aim of forming the LegCo by universal suffrage as stipulated in the Basic Law as early as possible.
Business and Professionals Federation of Hong Kong	19.8.2005	<ul style="list-style-type: none"> <li data-bbox="855 786 1449 996">• The first chamber to be constituted by directly elected members, and the second chamber for the vocational or functional representatives. <li data-bbox="855 1048 1449 1294">• The number of directly elected members in the first chamber to be increased from 30 to 40 or more. The number of functional representatives may also need to be increased. <li data-bbox="855 1346 1449 1809">• The second chamber is a place to allow for second thoughts to be given to bills and motions passed by the first chamber, to give careful scrutiny, to appoint an expert committee, to seek wider consultation, if necessary to propose amendments to legislation and then to refer the findings of the deliberations to the first chamber. <li data-bbox="855 1861 1449 1986">• A lack of agreement between the two chambers can be dealt with by giving the second chamber the

Organizations/
individuals
making the submissions

Date of
Submission

Summary of Views

		<p>power to delay the passage of bills or motions, by appointing a joint committee of both chambers, or by providing for bills to shuttle between both chambers until agreement is reached.</p>
		<ul style="list-style-type: none">• Adoption of a bicameral system would amount to gradual and orderly progress towards greater democracy.
City University of Hong Kong Students' Union	14.8.2006	<ul style="list-style-type: none">• While the principle of equal suffrage and the system of "one person, one vote" should be promoted, there should also be an interim proposal to gradually enhance the representativeness of the legislature and to limit the political power of FC Members.• As a transitional arrangement, the number of directly elected seats in 2012 could be increased from 30 to 40, while the number of FC seats shall remain unchanged.• LegCo procedures for voting can be reformed in two ways. Firstly, the bicameral voting system should be abolished. Secondly, the political roles of FCs should be redefined. With reference to a bicameral system, FCs can play the role of an upper house. Through the power to delay

Organizations/
individuals
making the submissions

Date of
Submission

Summary of Views

passage of bills, they can provide checks and balances to a lower house constituted by directly elected members.

- If a bicameral system is to be further developed, FCs should undergo further reforms e.g. certain FCs of exceptionally small size should be abolished; members returned by universal suffrage and some appointed members could be included in the upper house. It is envisaged that FC seats in the second chamber will gradually be replaced by directly elected seats and all seats will eventually be returned by universal suffrage.

Hong Kong Democratic
Foundation

16.8.2006

- Structural reforms of the LegCo:

Option 1

Increasing the number of directly elected members and FC members proportionately.

Option 2

Adopting two houses with a fully directly-elected lower house.

Option 3

Reforming the FCs, including (1) widening the franchise of electors eligible to vote for their functional representatives; (2) enlarging the number of electors beyond those

Organizations/
individuals
making the submissions

Date of
Submission

Summary of Views

executive committee members in corporate organizations eligible to vote in FC elections; and (3) co-opting new functional groups, particularly women groups, ethnic minorities and youth organizations that are relatively under-represented in the existing LegCo etc.

Option 4

Abolishing FCs. The option of abolishing the FCs will perhaps be politically acceptable to the vested interest groups in the event that a bicameral system is adopted.

Option 5

Maintaining the number of LegCo Members at 60 but fully democratizing the election of FC representatives (i.e. to maintain the existing 30 directly elected representatives through GCs while democratizing the elections of the FC representatives to the fullest extent). This means that FC groups can nominate representatives to run in territory-wide direct elections. After the nomination process, the candidates will compete in territory-wide elections in which each citizen will have two votes, one vote for a representative in his or her GC and the other vote for

Organizations/
individuals
making the submissions

Date of
Submission

Summary of Views

another representative in his or her occupational sector. In this way, democratization of the entire LegCo will be in conformity with the Basic Law principle of achieving universal suffrage for the whole legislative body. While FCs will be maintained, their electoral method will be democratized to the fullest extent.

- The two houses system, or the bicameral model, can be viewed not necessarily as the final product of democratization, but as an interim solution. The following structural reforms can be considered if a bicameral model is to be adopted:

Option 1

A wholly directly-elected 60-member LegCo (Lower House) and a newly created 60-member upper house.

The composition of the upper house: (1) all the existing FCs in the legislature and also new functional sectors such as women, youth and ethnic minorities. Furthermore, some existing FCs can be augmented, such as allocating more upper house seats to the labour groups; (2) members from not only FCs but also Hong

Organizations/
individuals
making the submissions

Date of
Submission

Summary of Views

Kong deputies to the National People's Congress, Hong Kong members of the Chinese People's Political Consultative Conference, and other former politicians of the HKSAR.

Option 2

Introducing a smaller upper house (30 seats) comprising the existing and the newly added FCs, and a fully directly-elected 60-member lower house.

Representatives from the Executive Committee of the Hong Kong University Students' Union

16.8.2006

- Adopting a bicameral system in Hong Kong is not without merits. The composition of the upper house can be adjusted according to the actual situation. A bicameral system is to protect vulnerable groups whose fundamental interests are hampered (and not to protect vested interests). Hence, the existing FCs in their present form should not be incorporated into the upper house.
- Election method

Lower House

Comprising members returned by GCs through direct elections; may review the delineation of the constituencies and the number of seats in each of the constituencies as appropriate.

Organizations/
individuals
making the submissions

Date of
Submission

Summary of Views

Retaining the proportional representation system. Further, an open-list proportional representation system can be adopted so that voters will not be affected by the ranking of candidates on the list pre-determined by political parties.

Upper House

Members of the upper house can be elected by District Council elected members or through a territory-wide election. May add some new seats representing the grassroot sectors.

- Functions and responsibilities of the two houses: the power of the upper house and its number of seats must be less than that of the lower house.
- If a bicameral system is not supported by the public after thorough discussions, it will be desirable and indeed necessary to adopt a fully directly-elected LegCo, to abolish the FCs, and to restore the normal functions of the legislature.
- Given the present political environment and the level of socio-economic development of Hong Kong, we should promote

The Democratic Alliance
for the Betterment and
Progress of Hong Kong
(DAB's Expectations of

18.8.2006

Organizations/
individuals
making the submissions

Date of
Submission

Summary of Views

the 2006/07 Policy
Address)

the approaches of “formulating a roadmap before a timetable” and “resolving the simple issues before the difficult ones”. By “formulating a roadmap before a timetable”, we should first formulate the ultimate models of the two elections by universal suffrage, then draw up a phased plan leading to that ultimate aim, and finally work out a timetable based on the actual situation. By “resolving the simple issues before the difficult ones”, universal suffrage for the CE can be implemented first. Thereafter, according to the actual situation, we can reform the method for forming the LegCo as well as its procedure of voting in two or three stages, and finally implement universal suffrage for the LegCo.

- Moving towards universal suffrage in this direction will be conducive to enhancing the legitimacy of the CE and realizing the principle of an executive-led system as stipulated in the Basic Law. Furthermore, with the experience gained from selecting the CE by universal suffrage, this will create favourable conditions for implementing universal suffrage for the LegCo, facilitate the public in forging consensus and thus

Organizations/
individuals
making the submissions

Date of
Submission

Summary of Views

turning a new page in constitutional development.

- We should actively create favourable conditions for constitutional development, including accelerating the economic integration of Hong Kong and the Mainland so as to build a solid economic foundation for constitutional development; nurturing political talents; and strengthening national education to promote Hong Kong people's understanding of the concept of "one country" and the Basic Law. Hence, the aim of attaining universal suffrage as stipulated in the Basic Law can be achieved as early as possible.

Hon. Emily LAU
Wai-hing
(Proposals for the Policy
Address)

21.8.2006

- To abolish FCs as soon as possible and elect all LegCo Members on the basis of "one person, one vote".
- If FCs cannot be abolished at once, at least company/corporate votes should be abolished and the electorate base for the FCs should be expanded to allow more members of the public to participate in the election.

The Hong Kong Social
Workers Association

29.8.2006

- To formulate a timetable for implementing universal suffrage

<u>Organizations/ individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
(Views on the 2006 Policy Address)		for the two elections and elect all LegCo Members by universal suffrage as soon as possible.
The Civic Party (Civic Party's Policy Expectations of the SAR Government)	31.8.2006	<ul style="list-style-type: none"> <li data-bbox="857 618 1449 781">• Before all LegCo Members are elected by universal suffrage, broaden the electorate base of FC elections. <li data-bbox="857 837 1449 1171">• Hong Kong has long acquired the conditions for implementing universal suffrage for the two elections. Democratic elections by equal and universal suffrage are the basic conditions for any city which claims to be an “international city”. <li data-bbox="857 1227 1449 1771">• The CE has tasked the Commission on Strategic Development, with all of its members appointed, as the main platform to discuss a roadmap and timetable for universal suffrage. However, the conclusions of the Commission cannot replace the views of the public. The Policy Address to be delivered in October should announce an immediate commencement of a public consultation exercise on the issue.
Democratic Party (Submitted at the consultation session on the 2006/07 Policy Address)	4.9.2006	<ul style="list-style-type: none"> <li data-bbox="857 1823 1449 1986">• Propose to adopt a mixed system of a “single seat single vote system” and a “proportional representation system”. Each voter

<u>Organizations/ individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
Ms. Regina IP LAU Suk-yea	9.2006	<p>will have two votes for electing all LegCo Members.</p> <ul style="list-style-type: none"> • Object to the proposal of implementing a bicameral system in order to preserve the FCs. • The principles of “balanced representation” and “facilitation of a capitalist economy” can be preserved by the HKSAR adopting a mixed system. • A mixed system means seats in LegCo may be divided into two categories: <ul style="list-style-type: none"> 1) Seats in multi-member GCs which may be returned by elections in the districts as at present, and seats to be filled by candidates on a party list; 2) Each voter may be given two votes: a vote in a GC and a vote for a candidate from the party list. In both categories, the number of candidates from each party will depend on the number of votes cast for candidates on a party list. • Such a mixed system, which may be called “parallel geographical-party list” system, would have the advantage of

<u>Organizations/ individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
Civic Exchange	21.11.2006	<p>enabling two categories of candidates, those who focus on representation of local interests in GCs, and those who focus on broader, Hong Kong-wide issues to stand for elections.</p> <ul style="list-style-type: none"> • To retain FC as they are will likely reinforce public suspicions that the current political system unfairly favours certain groups, particularly business interests. • Bicameralism has been proposed as a possible solution. We believe this concept has not been fully explored. • If the HKSARG is willing to be frank with the people of Hong Kong on the necessity to retain FCs and to show a genuine openness in examining how the FC election system can be overhauled, it may well lead to the possibility of moving the constitutional development debate forward.
Kowloon Federation of Associations	4.12.2006	<ul style="list-style-type: none"> • Should first handle the issue of selecting the CE by universal suffrage. With the experience and insight gained from implementing universal suffrage for the CE, it would be a practical way to implement universal suffrage for

<u>Organizations/ individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
Mrs Anson Chan and her core group	5.3.2007	<p data-bbox="919 448 1198 481">LegCo afterwards.</p> <ul style="list-style-type: none"> <li data-bbox="855 533 1453 786">• There is no doubt that the Hong Kong community is politically mature enough for election of all members of LegCo, on the basis of universal suffrage, to be introduced smoothly in 2012. <li data-bbox="855 837 1453 1256">• If, for whatever reason, it is decided that universal suffrage will not be introduced in 2012, then it is considered that Hong Kong people must be given an assurance, at the earliest opportunity, that it will be achieved no later than the following round of LegCo elections in 2016. <li data-bbox="855 1308 1453 1984">• It is important to make some gradual and orderly progress in the next round of elections in 2008, include refining corporate voting to encompass all members of the Boards of Directors, Executive and/or Management Committees of those companies, associations and organizations which currently exercise a single corporate vote. If this measure is implemented, it is estimated that the overall number of eligible voters for Functional Constituencies will increase from the current 215,551 to approximately 450,000.

Organizations/
individuals
making the submissions

Date of
Submission

Summary of Views

- Recommend that the existing Functional Constituencies be organized into 10 groups. This will strengthen the mandate and representativeness of those elected:

Group	Functional Constituencies Included	No. of Seats
1	Commercial (First), Commercial (Second), Import & Export and Wholesale & Retail	4
2	Agriculture & Fisheries, Industrial (First), Industrial (Second) and Textiles & Garment	4
3	Catering, Tourism and Transport	3
4	Insurance, Finance, Financial Services and Information Technology	4
5	Accountancy and Legal	2
6	Architectural, Surveying & Planning, Engineering and Real Estate & Construction	3
7	Education	1
8	Labour	3
9	Health Services, Medical and Social Welfare	3
10	District Council, Heung Yee Kuk and Sports, Performing Arts, Culture & Publication	3
	Total	30

- If it is decided not to introduce universal suffrage in 2012, it is

Organizations/
individuals
making the submissions

Date of
Submission

Summary of Views

proposed that the 10 electoral groupings be further combined to form no more than three large groups for voting purpose, and that the number of FC seats be reduced by 50% to 15:

Group	Functional Constituencies Included	No. of Seats
1	Industrial, commercial and financial sectors	5
2	The professions	5
3	Labour, social services, religious and other sectors	5

- The balance of 15 seats, vacated by Functional Constituency members would be converted into directly elected geographical seats thus paving the way for the complete phasing out of Functional Constituencies in 2016.

21 LegCo Members

27.3.2007

- Adopt a mixed system in the 2012 LegCo election. Half of the LegCo seats to be returned by simple majority system on the basis of “single-seat-single-vote”; the other half to be returned by proportional representation system. The whole of Hong Kong will be a single constituency. Each voter would have two votes.

**Public views on possible models for
forming the Legislative Council by universal suffrage**

Written submissions received by the Legislative Council

<u>Organisations/individuals making the submissions</u> (Submission No. ^{Note})	<u>Date of Submission</u>	<u>Summary of Views</u>
Dr Anthony B L CHEUNG (Submission No. 15 in Appendix II to LC Paper No. CB(2)2386/05-06(01))	27.1.2000	<ul style="list-style-type: none">• Ways to move to a democratically elected LegCo –<ol style="list-style-type: none">(a) all 60 LegCo seats to be directly elected on a GC basis; or(b) 30 seats to be directly elected on a GC basis and the remaining 30 on a territory-wide single-list system so as to achieve mixed representation of local and territory-wide interests; or(c) 30 seats to be directly elected on a GC basis and 30 FC seats on a universal franchise basis (each voter is eligible to vote in one GC and one FC).• To allay concerns of the business and professional sectors about direct election, the number of LegCo seats

<u>Organisations/individuals making the submissions</u> (Submission No. ^{Note})	<u>Date of Submission</u>	<u>Summary of Views</u>
Mr KY SHAW (Submission No. 18 in Appendix II to LC Paper No. CB(2)2386/05-06(01))	14.2.2000	can be increased to, say, 100 or 120 to provide greater chance for elite members of the community to be elected to LegCo under the proportional representation voting system. LegCo Members to be elected on a GC basis. The delineation of GC boundaries is open to discussion, and the number of seats in a GC should be in direct proportion to the population of the GC.
Association for the Advancement of Feminism (Submission No. 14 in Appendix II to LC Paper No. CB(2)2386/05-06(01))	9.11.2005	<ul style="list-style-type: none"> • Abolish FCs. • All Members to be elected by way of direct elections on the basis of GCs.
Hong Kong Christian Institute (Submission No. 17 in Appendix II to LC Paper No. CB(2)2386/05-06(01))	12.11.2005	All 60 Members to be returned by GCs under a “one person, one vote” and a simple majority system.
Shatin Tertiary Students’ Association (Submission No. 20 in Appendix II to LC Paper No. CB(2)2386/05-06(01))	12.11.2005	<ul style="list-style-type: none"> • Explore the possibility of implementing a bicameral legislature. • Universal suffrage could take the form of direct or indirect election.

Note: Please refer to the Legislative Council webpage for the original text of the submission (LC Paper No. CB(2)2386/05-06(01)).
(www.legco.gov.hk/yr05-06/english/panels/ca/papers/ca0619cb2-2386-1e.pdf)

**Written Submissions Received by
the Committee on Governance and Political Development of the
Commission on Strategic Development**

<u>Members Submitting Views</u>	<u>Date of Submission</u>	<u>Summary of Views</u> ^{Note}
Miss TAM Wai-chu, Maria	29.11.2005	<ul style="list-style-type: none">• Apart from considering the options of eliminating the FCs altogether or implementing a bicameral system, a third option could be universal suffrage with designated seats with candidates nominated by FCs.• The separate voting system now in place can be retained under this model.
Hon. LEE Cheuk-yan	1.2006	<ul style="list-style-type: none">• The FC system should be abolished as soon as possible.• Before the abolition of FC elections, the Government should introduce the following two reform measures:<ul style="list-style-type: none">(a) expand the electorate base of FCs - replacing corporate votes with individual votes (for example, expanding the electorate base of the Labour FC to cover all members of the registered trade unions); and(b) review the need to retain FCs with little competition in elections – consider abolishing these FCs or merging them with other FCs.

<u>Members Submitting Views</u>	<u>Date of Submission</u>	<u>Summary of Views</u> ^{Note}
Dr. LEUNG Mei-fun, Priscilla	16.1.2006	<p>In the process of developing the existing system towards the ultimate aim of universal suffrage, we may consider:</p> <ul style="list-style-type: none"> (a) gradually reducing the number of FCs, starting with turning those FCs which support universal suffrage into GC seats, and ultimately abolishing all FCs. (b) abolishing corporate votes of FCs. FC representatives should be elected by eligible voters in the respective FCs by “one person, one vote”. Voters in FCs must be clearly delineated. (c) If it is not possible to reduce the number of FCs, we may consider introducing more FCs and re-delineating the electorate of the FCs to pave way for reform e.g. adding a Chinese medicine FC, a higher education FC, an environmental protection FC, a publishing FC or any other FCs which should have been represented in the LegCo. There may even be a FC for homemakers. In the end, LegCo Members returned by FCs would be as representative as those returned by GCs through direct elections.
Hon. SHEK Lai-him, Abraham	19.1.2006	<ul style="list-style-type: none"> • In the light of political reality, if FCs are abolished, it would be difficult to realize a political system that can meet the interests of different sectors of society and facilitate the

Members
Submitting
Views

Date of
Submission

Summary of Views^{Note}

development of a capitalist economy.

- If the design of a bicameral system can reflect the actual situation of Hong Kong and help resolve the complicated issues relating to the design of the political structure, it will be worthwhile to examine and explore this option.
- In the event that a bicameral system is adopted for LegCo in future, and if members returned by FCs are to form the second chamber, the electorate base of these FCs could be expanded suitably. For example, a “one person, one vote” system could be adopted for professional sectors where voters are professionally qualified and have certain years of experience in the related trades. Moreover, the existing corporate voting system should be maintained to protect the interest of investors.
- Should examine ways to retain FCs and to strengthen their roles, operation and functions.
- At present, many people have not yet been included in FCs. There is a need to work out feasible arrangements enabling the concerned people, including those who are not working such as housewives, to also have two votes.

Mr. CHAN
Chung-bun,
Bunny

20.1.2006

<u>Members Submitting Views</u>	<u>Date of Submission</u>	<u>Summary of Views</u> ^{Note}
Mr. LAU Nai Keung	1.3.2006	<ul style="list-style-type: none"> <li data-bbox="754 432 1398 636">• As for FC elections, all organizations should adopt an open and competitive process as far as practicable to allow all electors in the constituencies to vote for their LegCo representatives. <li data-bbox="754 685 1398 981">• Under the principle of “gradual and orderly progress” of constitutional development, it appears that some sort of transitional arrangement is inevitable. In this regard, a bicameral system is currently discussed most. <li data-bbox="754 1030 1398 1794">• The option of a bicameral system recognizes that certain interests of Hong Kong, including the interests of the Central Authorities in Hong Kong, require special regard on a long-term basis, and that a bicameral system should be a long-term arrangement. As such, the upper house should have more extensive veto power, which should at least cover bills relating to constitutional reform and the relationship between the Central Authorities and the SAR, private bills proposed by members of the lower house, and other important bills which currently require the endorsement of a two-third majority of the LegCo. <li data-bbox="754 1843 1398 1968">• To achieve the ultimate aim of having all LegCo seats returned by universal suffrage, one possible method is that

<u>Members Submitting Views</u>	<u>Date of Submission</u>	<u>Summary of Views</u> ^{Note}
Hon. LEE Wing Tat	5.2006	<p>the seats in the upper house be nominated by the respective FCs, and be elected by “one person one vote”. This could likely avoid the need to amend the Basic Law.</p> <ul style="list-style-type: none"> • All the present 30 FC seats in LegCo should be abolished and be returned by universal suffrage instead. • Consideration should be given to a mixed election model combining the “single seat single vote system” and the “proportional representation system”, where all LegCo Members will be returned through elections by “one person, two votes”. • Under this model, LegCo seats will be divided into two groups. The first group will be returned by a “single seat single vote system”. The whole Hong Kong will be divided into certain number of constituencies based on population ratio. Another group of seats (half of all seats) will be returned by a proportional representation system. The whole of Hong Kong will form a single constituency. In other words, each elector will have two votes for electing LegCo Members. • Regarding the criteria for delineation of constituencies, under the proposed option, 30 LegCo Members will be

Members
Submitting
Views

Date of
Submission

Summary of Views^{Note}

returned by GCs on a “single seat single vote” basis. In other words, 30 constituencies will be delineated across the territory according to population ratio, each returning one LegCo Member.

- Apart from the population quota, it is proposed that other criteria provided for in the existing legislation should continue to be adopted. These include community identities, the preservation of local ties and physical features of the relevant areas etc. As for the existing boundaries of districts and GCs, they will need to be delineated afresh.
- On the voting system, under the proposed model, a “single seat single vote system” will be adopted for GC elections, and a “proportional representation system” adopted for the single constituency covering the whole territory. It is proposed that the “list voting system” under the “proportional representation system” should continue to be adopted, and that the election results should be determined by the largest remainder formula. Such election method is familiar to the public. Review could be conducted in future as necessary.
- As the FCs have been playing a very important role in the LegCo and in the community at large, consideration

Mr. CHAN
Chung Bun,
Bunny

26.5.2006

Members
Submitting
Views

Date of
Submission

Summary of Views^{Note}

should be given to preserving their role in the legislative framework.

- However, the issue seems to be that, conceptually, under a LegCo with all members returned by universal suffrage, there should no longer be any FCs. Even if we further enhance the role of FCs, the continual existence of FCs should only be temporary and the FCs should be abolished eventually.
- If there is sufficient support for preserving the FCs, the direction should be that the composition and election method of the FCs should remain unchanged. Only by doing so will it be consistent with the view that FCs are indispensable.
- Increasing the number of seats in the “District Council FC” for LegCo election will enhance the representativeness of the FCs as members of the District Councils are elected by all GC voters.
- Another possible option is to add new LegCo FCs so that eligible voters who are currently not covered by the FCs, such as housewives, employees in business entities, persons without professional qualifications and students having reached the voting age, will be included. The ultimate

<u>Members Submitting Views</u>	<u>Date of Submission</u>	<u>Summary of Views</u> ^{Note}
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aim is that all eligible voters are covered by the FCs. Under this model, all eligible voters will have two votes each, i.e. one for a GC and one for an FC.

Hon. SHEK
Lai-him,
Abraham

22.9.2006

- In the future LegCo formed by universal suffrage, half of the seats should be allocated to FC members.
- Regarding the method for returning FC Members, candidates should be nominated by voters in their respective FCs for election by universal suffrage. Candidates should be required to obtain support from at least 30% of the voters in the relevant trade to become eligible for running the election.
- To abolish corporate voting cannot meet the principle of “facilitate the development of a capitalist economy”.
- After implementation of universal suffrage, candidates nominated by FCs will need to stand for election on the basis of “one-person-one-vote”. Candidates will have wider legitimacy and will be able to truly represent their respective trades if corporate voting can be retained.
- Since FC Members will be returned by universal suffrage, it would be

<u>Members Submitting Views</u>	<u>Date of Submission</u>	<u>Summary of Views</u> ^{Note}
Miss TAM Wai-chu, Maria	22.9.2006	<p>meaningless to expand the electorate base of FCs. To expand the electorate base of FCs would only give rise to more disputes concerning how to determine the eligibility of voters.</p> <p>A legislature with half of its members returned by GCs through direct election and half by FCs is indeed more representative. As a matter of fact, such a legislature has helped maintain Hong Kong's long term social stability and had helped ensure that the Government policies would take fuller account of the interests of different sectors. It is on this basis that the nomination right of FCs should be retained when moving towards universal suffrage.</p>
Dr. LEUNG Mei-fun, Priscilla, Prof CHENG Kwok-hon, Leonard	22.9.2006	<ul style="list-style-type: none"> • On the basis of the current arrangements, there should continue to be equal number of seats for FC and GC Members. The number of seats could be increased on the same proportion. The 30 FC seats should form a separate chamber. • To introduce the concept of “one council two groups”. To require separate voting by the “FC group” and the group returned by universal suffrage on passage of bills, thereby formally separating the two groups. • Through returning FC Members by universal suffrage, not only can the ultimate aim of forming LegCo by

Members
Submitting
Views

Date of
Submission

Summary of Views^{Note}

universal suffrage as stipulated in the Basic Law be achieved, the interests of the relevant trades and different sectors can also be met.

- FCs:

- First Phase

- (1) To expand the electorate base and the constituencies

- Once the principle that a candidate must come from his respective trade is laid down, all eligible voters can either select the candidates on the basis of “constituency”, or select the candidates by marking on the list of candidates for each FC.

- (2) Abolishing corporate voting in the FCs

- FC representatives should be elected by eligible voters in the respective FCs by “one-person-one-vote”. Voters in FCs must be clearly delineated.

- (3) Adding more FCs

- If it is not possible to reduce the number of FCs gradually, consideration can be given to introducing more FCs and re-delineating the electorate of the FCs to pave way for reform. Some proposed new FCs include Chinese medicine, higher education, environmental

<u>Members Submitting Views</u>	<u>Date of Submission</u>	<u>Summary of Views</u> ^{Note}
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protection, publication or any other sectors which should have been represented in the LegCo. There could even be a “comprehensive FC” to cover all those voters who are not included in any other FCs.

Second Phase

To allow all voters to vote at FCs (i.e. voters will have one vote to return directly elected members and other votes to return all FC Members).

Third Phase

Should only consider abolishing all FC seats and returning all seats by universal suffrage when the necessary pre-conditions are ready.

Mr. YU Kwok-chun	27.9.2006	FCs should be retained when universal suffrage is implemented; the roles and functions of FCs should be substantiated.
Ms. Janie FONG	6.10.2006	<ul style="list-style-type: none"> • Models with nominated FC candidates elected by universal suffrage, along with open elections of GCs through direct elections may serve as viable solutions to ensure a certain level of stability in the policy making process with experienced and proven legislative policy leaders during the transition process. • The proposed bicameral system requires careful review as to whether it is legally viable and conforms to

<u>Members Submitting Views</u>	<u>Date of Submission</u>	<u>Summary of Views</u> ^{Note}
Dr Leung Mei-fun, Priscilla	25.1.2007	<p>the Basic Law.</p> <ul style="list-style-type: none"> • The option of returning FC Members by universal suffrage on the basis of "one-person-multi-votes" is a happy medium between bicameralism and universal suffrage. • The original option comprises three phases. In the First Phase, every voter will gain the experience of casting two votes. The principles of balanced participation and of gradual and orderly progress will be maintained throughout its development process. Only after the First Phase is fully developed will it proceed into the Second and Third phases. • The First Phase aims at expanding the electoral base. The process of expansion should be intricately designed, forbidding people to come "all of a sudden" to register as members of a sector to which they have no connection with. • "One-person-multi-votes" will be implemented in the Second Phase. Before entering the Second Phase, the issue of definition of electors of different FCs should be taken note of. • Dual universal suffrage of the Third Phase may come into effect when the conditions are ripe for the

<u>Members Submitting Views</u>	<u>Date of Submission</u>	<u>Summary of Views</u> ^{Note}
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implementation of universal suffrage.

Note: Please refer to the Central Policy Unit webpage (“Committee on Governance and Political Development- Submissions from Members) –for the original text of the submissions.

(www.cpu.gov.hk/english/csd_gc_submissions_meeting.htm)

Related views raised by Members at previous meetings have been recorded in the summary of views expressed at the meetings. Members are welcome to continue to express their views.