

Commission on Strategic Development
Committee on Governance and Political Development

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

Introduction

Members have concluded discussions on the concepts and principles relating to universal suffrage (Paper CSD/GC/6A/2006). According to the conclusions, in discussing possible models for electing the Chief Executive (“CE”) and the Legislative Council (“LegCo”) by universal suffrage, any proposal put forward should comply with:

- (a) the basic policies of the State regarding Hong Kong;
- (b) the four principles on constitutional development, namely, meeting the interests of different sectors of society, facilitating the development of the capitalist economy, gradual and orderly progress, and being appropriate to the actual situation in Hong Kong;
- (c) the principle of an executive-led system; and
- (d) the principles of universal and equal suffrage.

2. At the meeting in September and the workshop in November this year, members discussed in detail possible models for forming the LegCo in accordance with the Basic Law and the concepts and principles relating to universal suffrage. This paper summarizes members’ views to facilitate members’ further discussion on the subject.

3. For members’ easy reference, we have updated the summary of views of various organizations and individuals on possible models for forming the LegCo received by the Administration and the LegCo, as appended at Annex I and Annex II respectively. A summary of written submissions received from individual members in the past and recently by

the Committee Secretariat is provided at Annex III.

Provisions in the Basic Law

4. Article 68 of the Basic Law provides that “the LegCo of the Hong Kong Special Administrative Region (“HKSAR”) shall be constituted by election. 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 suffrage”. In accordance with the Decision made by the Standing Committee of the National People’s Congress (“NPCSC”) of April 2004, in the fourth term of the LegCo, the ratio between members returned by functional constituencies (“FCs”) and members returned by geographical constituencies (“GCs”) through direct elections, who shall respectively occupy half of the seats, is to remain unchanged.

5. In moving towards the ultimate aim of forming LegCo by universal suffrage, the future of the FCs is one of the key issues to be considered. Members generally agreed that the major considerations included the following:

- (a) we must have regard to the special needs, aspirations and historical background of Hong Kong; and
- (b) we must ensure that the interests of different sectors were taken into consideration, and that the principle of “balanced participation” was upheld. In this regard, the role which the FCs had been playing should be considered.

6. Members agreed that, regardless of which universal suffrage model was adopted, the ultimate aim of electing all the members of LegCo by universal suffrage, as stipulated in the Basic Law, must be attained. Members also recognized that, to take forward Hong Kong’s constitutional development, we must proceed in a pragmatic manner so as to forge consensus within the community. One important political reality was that 30 out of the 60 LegCo seats were returned by FCs. As any amendment to the electoral method for LegCo required the endorsement of a two-thirds majority of all the members of the 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.

Long Term Arrangements for LegCo FC seats

7. On the premise set out in paragraphs 4-6 above, members discussed the long term arrangements for the LegCo FC seats, and generally agreed that the FC seats could not continue to be returned by the existing election method. However, views were diverse as to whether, when universal suffrage was implemented, the FC seats should be retained in LegCo in some form.

8. Some members proposed that when universal suffrage was implemented for LegCo, the FC seats should be retained in some form, but the changes could be made to the electoral system so as to make the arrangements consistent with the principles of universal and equal suffrage. Members considered it worthwhile to retain the FC seats for the following reasons:

- (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. 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) abolition of FCs altogether was bound to meet with objections from the community, and it would be difficult to reach consensus on the issue.

9. However, some members considered that FCs should be abolished as soon as possible, and universal suffrage should be attained by returning all seats by GCs through direct elections. Any electoral system conferring special rights on FCs to nominate candidates or to vote would not be consistent with the principle of universal suffrage.

Possible models for forming LegCo by universal suffrage

10. Members expressed different views on specific models for forming LegCo by universal suffrage.

(i) *To return all seats by GCs through direct elections; to abolish all FC seats*

11. A member proposed that all seats should 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. In other words, each voter would elect LegCo Members on the basis of “one-person-two-votes”. The arguments for this proposal included the following:

- (a) the proposal could give all members of the public universal and equal voting rights;
- (b) the proposal would be consistent with the requirement of Article 68 of the Basic Law of electing all the members of LegCo by universal suffrage; and
- (c) on the one hand, a “single seat single vote” system could help balance the interests of different districts, and on the other hand, a proportional representation system could allow different sectors and political parties/groups to be represented in LegCo.

12. A member proposed returning all seats 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. This proposal would be conducive to promoting the development of political parties. However, a member considered that any electoral system should ensure that independent candidates would have the opportunity to stand for election, so that voters could vote for candidates with no political party background.

13. However, some members had reservations about the proposal to abolish all FC seats. Their reasons included the following:

- (a) given that any amendment to the electoral methods specified in the Annexes to the Basic Law required the endorsement of a two-thirds majority of all the members of LegCo, it would not be possible to secure sufficient support in LegCo for a proposal to abolish all FC seats;
- (b) as opinion polls had indicated that the public did not object to retaining the FCs, it would not be necessary to abolish them in one go. A member suggested that all FC seats could be phased out over three terms. As some sectors might find it more difficult to win seats through direct elections by GCs, this proposal could allow these sectors more time to prepare themselves for universal suffrage; and
- (c) at the current early stage of political development in Hong Kong, abolishing all FC seats could not meet the interests of different sectors of society.

(ii) *To return seats by GCs through direct elections; FC seats would not continue to be returned by the existing election method*

14. On the basis of the considerations set out in paragraph 8 above, members discussed various options as to how FC seats could be retained when universal suffrage was implemented.

(1) To include voters who are currently not entitled to vote at FCs in the FCs

15. Some members proposed including voters who were currently not entitled to vote at FCs in the 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. As long as every voter would be entitled to vote for FC Members, the principles of universal and equal suffrage would be complied with. Also, a member considered that given the political reality, it would not be possible to abolish all FC seats in one go. He suggested to first expand the electorate base of the FCs (e.g. by adding new sectors for housewives, retirees and students etc) and to phase out the FC seats thereafter. However, a member considered that under this kind of proposals, there would be great disparity in the number of voters among different FCs, leading to inequality in the “value” of each vote.

(2) To allow Members of the FCs to nominate candidates for election by universal suffrage

16. Some members proposed allowing FC Members 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. The arguments for this proposal included the following:

- (a) this could help ensure that 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; and
- (b) a legislature with half of its members returned by GCs through direct election and half by FCs would be more representative. As a matter of fact, such a legislature had helped maintain Hong Kong’s long term social stability, and had helped ensure that Government policies would take fuller account of the interests of different sectors.

17. However, some members pointed out that this proposal would require further consideration in the following respects:

- (a) whether the proposal was practicable. For example, if every 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, voters might tend to vote only in those FCs which were more familiar to them. Hence, there could be great disparity in the number of votes received by Members elected in different FCs. A member, however, suggested that a decision should first be made as to whether the proposal could comply with the principle of universal suffrage before looking into the specific arrangements. If it was decided to adopt the proposal, consideration could be given to merging the existing FCs into several groups for election by a list system;

- (b) in the election of FC Members by universal suffrage, candidates would likely rely on the support of political parties. Hence, the election results would hinge on the degree of people's acceptance of the political parties, and might not necessarily reflect the preference of different sectors; and
- (c) as the proposal would restrict voters' right to nominate, it could not be regarded to be consistent with the principles of universal and equal suffrage. At most, it could only be a transitional arrangement. When the political pre-conditions in Hong Kong were ready, LegCo Members should ultimately be elected on a "one-person-one-vote" basis.

18. A member suggested that the democratic element of the LegCo election could be progressively enhanced by phases on the basis of the current arrangements. One possibility was to increase the proportion of GC seats and expand the electorate base of FCs in 2012, and to abolish the FC seats by phases thereafter. He proposed that, in the first phase, consideration could be given to re-delineate the electorate of the FCs and to include all voters in the FCs, who would then be entitled to vote in their respective FCs. In the second phase, voters could be allowed to vote in all FCs to ensure that FC candidates would have to safeguard both sectoral and public interests. Elections conducted in such a way would contain an element of universal suffrage. FC seats could be abolished only in the third phase, and all LegCo Members could then be elected by "one-person-one-vote". Some members expressed the view that this proposal could be further considered.

19. Moreover, a member proposed that consideration could be given to returning 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). This could ensure that candidates would have regard to both the interests of the sectors and of Hong Kong as a whole.

(iii) Bicameral system

20. A member considered that a bicameral system (i.e. under which the first chamber would be constituted by directly elected GC Members, and the second chamber constituted by FC Members) was an appropriate model for implementing universal suffrage for reasons including the following:

- (a) in view of the political reality that it would be difficult to persuade FC Members to agree to abolishing their own LegCo seats, this proposal could meet the interests of the sectors and should stand a better chance of being accepted by FC Members;
- (b) forming the lower house by universal suffrage would be consistent with the principle of universal suffrage;
- (c) a bicameral system would be conducive to achieving “balanced participation”, and would enable the legislature to perform checks and balances over the executive authorities more effectively; and
- (d) from a legal perspective, LegCo could still be considered a single legislature, and no amendment to the principal provisions of the Basic Law should be necessary.

21 However, quite a number of members had reservations about implementing a bicameral system. There were views that further discussion on this proposal should be put aside for the time being for reasons including the following:

- (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. If the proposal was meant to be only a transitional arrangement, it would not be worth the effort politically. On the other hand, if it was meant to be the ultimate model, it might not be consistent with the principle of universal suffrage. In any event, in view of the political reality, it would not be easy to forge consensus within the community on amending the Basic Law;
- (b) a bicameral system assumed that directly elected GC Members could not safeguard the interests of the Central Authorities or different sectors in the community. This would only divide the members of the two chambers and undermine their communication;

- (c) it would not be easy to decide on the division of power between the two chambers. If the upper house was only provided with the power to delay, but not to veto, bills, it would not be able to exercise adequate checks and balances over the lower house. Conversely, if the upper and lower houses were provided with similar powers, this would imply that bills and motions introduced by the Government would need to be passed by both houses. This would add to the difficulties in getting bills and motions passed, and undermine governance and the efficiency of the executive authorities; and
- (d) a bicameral system as a possible model for LegCo had been examined in detail during the drafting of the Basic Law, and had not been adopted eventually. Hence, this option should not be examined again now.

Transitional arrangements before attaining the ultimate aim of universal suffrage

22. Some members suggested that, in the process of attaining the ultimate aim of forming the LegCo by universal suffrage, consideration could be given to putting in place some transitional arrangements. Proposals put forth by members included the following:

- (a) to introduce reforms before abolishing the FCs, including to expand the electorate base of FCs, replace corporate voting by individual voting, and abolish or merge some of the existing FCs;
- (b) to return directly elected Members by GCs and, at the same time, to allow FC Members to nominate candidates for election by universal suffrage. This would enable experienced and competent leaders in the legislature to continue to participate in the work of the legislature during the transitional period, thereby ensuring some degree of stability in the process of policy formulation; and
- (c) a bicameral system. Before attaining the aim of electing all LegCo Members by universal suffrage, a bicameral system could be put in place. Through providing the lower house

returned by universal suffrage with more power, FC Members would have an incentive to participate in elections by universal suffrage. To implement this model, it would be sufficient to amend only Annex II to the Basic Law concerning the procedures for voting on bills and motions in LegCo. For example, by requiring bills introduced by Government to get passed both chambers could achieve the effect similar to a bicameral system without the need to amend the principal provisions of the Basic Law. If and when the lower house performed in a mature manner and established partnership with the executive-led government, universal suffrage could then be implemented.

23. Moreover, a member expressed the view that while consideration could be given to putting in place transitional arrangements before attaining the ultimate aim of universal suffrage, it was imperative that an ultimate model for universal suffrage and a timetable for implementing universal suffrage were first determined. Only by so doing could the arrangements be implemented in an orderly manner during the transitional period, and disputes within the community minimized. A member considered that the Central Authorities and certain people in Hong Kong would find such arrangements more acceptable. However, a member considered that attaining universal suffrage in phases would only prolong the existing problems (e.g. the long-term future of the FCs).

24. A member suggested examining possible models for attaining universal suffrage on the basis of the proposed package for the 2007/08 elections put forth by the Government last year (i.e. to increase the number of LegCo seats returned by DCs).

Summary of Views

25. In sum, regarding possible models for forming LegCo by universal suffrage, members generally agreed that the FC seats should no longer be returned by the existing election method when universal suffrage was attained because this would not be consistent with the ultimate aim of attaining universal suffrage under the Basic Law.

26. Moreover, members were inclined to put aside for the time being further discussion on a bicameral system as an option for implementing universal suffrage.

27. However, members had yet to form a mainstream view on the following issues, which would require further deliberation:

- (a) whether FC seats should be abolished altogether or retained in some form;
- (b) depending on how the existing election method for FCs would be replaced, the model to be adopted for implementing universal suffrage; and
- (c) whether transitional arrangements should be put in place in the process of attaining the ultimate aim of universal suffrage, and if so, the model to be adopted.

Constitutional Affairs Bureau
November 2006

**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 4-year term of office.• The Senate could have between 40-50 members, about one-quarter |

| <u>Organizations/individuals making the submissions</u> | <u>Date of Submission</u> | <u>Summary of Views</u> |
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| Article 45 Concern Group | 28.1.2004 | <p>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> <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 suffrage."</p> |
| Hong Kong Democratic Foundation and Power for Democracy | 13.2.2004 | <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</p> |

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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.

SynergyNet

13.2.2004

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:

- (i) 30 members to be directly elected from single-seat GCs, using the "first past the post" principle.
- (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 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

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| | | <p>part in the election of his functional/occupational representative; or</p> <p>(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.</p> |
| Democratic Party | 25.5.2004 | <p>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”. 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.</p> |
| Hon. Rita FAN | 27.9.2004 | <ul style="list-style-type: none"> • 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. |

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|---|---------------------------|---|
| Hong Kong University Graduates Association Political Reform Concern Group | 9.2004 | <ul style="list-style-type: none"> • 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. • 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 one-fourth, and ultimately change all FC seats to GC directly elected seats. |
| Hon. Albert CHAN Wai-yip | 15.10.2004 | 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. |
| 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. |

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|---|---------------------------|--|
| Hong Kong Association for Democracy and People's Livelihood | 23.3.2005 | <ul style="list-style-type: none"> 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. 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. |

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| The Democratic Alliance for the Betterment and Progress of Hong Kong | 31.5.2005 | <p>There is a suggestion in the community that a bicameral system should be introduced. This suggestion merits consideration by the Administration.</p> <ul style="list-style-type: none"> • With regard to constitutional development after 2008, it is 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"> • The first chamber to be constituted by directly elected members, and the second chamber for the vocational or functional representatives. • 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. • 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. |

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| City University of Hong Kong Students' Union | 14.8.2006 | <ul style="list-style-type: none"> <li data-bbox="831 371 1449 745">• A lack of agreement between the two chambers can be dealt with by giving the second chamber the 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. <li data-bbox="831 801 1449 965">• Adoption of a bicameral system would amount to gradual and orderly progress towards greater democracy. <li data-bbox="831 1014 1449 1350">• 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. <li data-bbox="831 1406 1449 1615">• 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. <li data-bbox="831 1671 1449 2042">• 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 passage of bills, they can |

| <u>Organizations/individuals making the submissions</u> | <u>Date of Submission</u> | <u>Summary of Views</u> |
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| Hong Kong Democratic Foundation | 16.8.2006 | <p data-bbox="890 367 1445 483">provide checks and balances to a lower house constituted by directly elected members.</p> <ul data-bbox="826 539 1445 1088" style="list-style-type: none"> <li data-bbox="826 539 1445 1088">• 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. <ul data-bbox="826 1137 1445 2033" style="list-style-type: none"> <li data-bbox="826 1137 1445 2033">• Structural reforms of the LegCo: <ul data-bbox="890 1227 1445 2033" style="list-style-type: none"> <li data-bbox="890 1227 1445 1391"><u>Option 1</u> Increasing the number of directly elected members and FC members proportionately. <li data-bbox="890 1447 1445 1563"><u>Option 2</u> Adopting two houses with a fully directly-elected lower house. <li data-bbox="890 1619 1445 2033"><u>Option 3</u> 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 executive committee members in corporate organizations eligible to vote in FC elections; and (3) co-opting new functional groups, |

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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 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

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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 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.

| <u>Organizations/individuals making the submissions</u> | <u>Date of Submission</u> | <u>Summary of Views</u> |
|--|---------------------------|---|
| Representatives from the Executive Committee of the Hong Kong University Students' Union | 16.8.2006 | <ul style="list-style-type: none"> <li data-bbox="828 412 1445 875">• 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. <li data-bbox="828 927 1139 965">• Election method <p data-bbox="887 1016 1094 1055"><u>Lower House</u> 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.</p> <p data-bbox="887 1357 1445 1653">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.</p> <p data-bbox="887 1697 1094 1736"><u>Upper House</u> 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.</p> |

| <u>Organizations/individuals making the submissions</u> | <u>Date of Submission</u> | <u>Summary of Views</u> |
|---|---------------------------|--|
| The Democratic Alliance for the Betterment and Progress of Hong Kong (DAB's Expectations of the 2006/07 Policy Address) | 18.8.2006 | <ul style="list-style-type: none"> <li data-bbox="831 371 1449 577">• 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. <li data-bbox="831 629 1449 965">• 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. <li data-bbox="831 1014 1449 2038">• 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 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 |

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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 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.
- To abolish FCs as soon as possible and elect all LegCo Members on the basis of "one person, one vote".

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

21.8.2006

| <u>Organizations/individuals making the submissions</u> | <u>Date of Submission</u> | <u>Summary of Views</u> |
|--|---------------------------|--|
| The Hong Kong Social Workers Association (Views on the 2006 Policy Address) | 29.8.2006 | <ul style="list-style-type: none"> • 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. • To formulate a timetable for implementing universal suffrage for the two elections and elect all LegCo Members by universal suffrage as soon as possible. • Before all LegCo Members are elected by universal suffrage, broaden the electorate base of FC elections. |
| The Civic Party (Civic Party's Policy Expectations of the SAR Government) | 31.8.2006 | <ul style="list-style-type: none"> • 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". • 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 |

| <u>Organizations/individuals making the submissions</u> | <u>Date of Submission</u> | <u>Summary of Views</u> |
|---|---------------------------|--|
| Democratic Party (Submitted at the consultation session on the 2006/07 Policy Address) | 4.9.2006 | <p>consultation exercise on the issue.</p> <ul style="list-style-type: none"> • Propose to adopt a mixed system of a “single seat single vote system” and a “proportional representation system”. Each voter will have two votes for electing all LegCo Members. • Object to the proposal of implementing a bicameral system in order to preserve the FCs. |
| Ms. Regina IP LAU Suk-ye | 9.2006 | <ul style="list-style-type: none"> • 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: <ol 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. |

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- Such a mixed system, which may be called “parallel geographical-party list” system, would have the advantage of 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.

**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 – <ul 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 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. |

| <u>Organisations/individuals making the submissions</u> (Submission No. ^{Note}) | <u>Date of Submission</u> | <u>Summary of Views</u> |
|---|---------------------------|--|
| 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. |
| Dr. LEUNG Mei-fun, Priscilla | 16.1.2006 | In the process of developing the existing system towards the ultimate aim of universal suffrage, we may consider: |

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| | | <p>(a) gradually reducing the number of FCs, starting with turning those FCs which support universal suffrage into GC seats, and ultimately abolishing all FCs.</p> <p>(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.</p> <p>(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.</p> |
| 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 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 |

| <u>Members Submitting Views</u> | <u>Date of Submission</u> | <u>Summary of Views</u> ^{Note} |
|---------------------------------|---------------------------|---|
| Mr. CHAN Chung-bun, Bunny | 20.1.2006 | <p>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.</p> <ul style="list-style-type: none"> • 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. • 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. |
| Mr. LAU Keung | Nai 1.3.2006 | <ul style="list-style-type: none"> • 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. • The option of a bicameral system recognizes that certain interests of Hong Kong, including the interests of the Central |

| <u>Members Submitting Views</u> | <u>Date of Submission</u> | <u>Summary of Views</u> ^{Note} |
|---------------------------------|---------------------------|---|
| Hon. LEE Wing Tat | 5.2006 | <p data-bbox="780 367 1455 875">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.</p> <ul data-bbox="719 927 1455 2040" style="list-style-type: none"> <li data-bbox="719 927 1455 1218">• To achieve the ultimate aim of having all LegCo seats returned by universal suffrage, one possible method is that 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. <li data-bbox="719 1267 1455 1395">• All the present 30 FC seats in LegCo should be abolished and be returned by universal suffrage instead. <li data-bbox="719 1444 1455 1697">• 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”. <li data-bbox="719 1747 1455 2040">• 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) |

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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 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.

| <u>Members Submitting Views</u> | <u>Date of Submission</u> | <u>Summary of Views</u> ^{Note} |
|---|-------------------------------|---|
| Mr. CHAN Chung Bun, Bunny | 26.5.2006 | <ul style="list-style-type: none"> • As the FCs have been playing a very important role in the LegCo and in the community at large, consideration 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 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. |

| <u>Members Submitting Views</u> | <u>Date of Submission</u> | <u>Summary of Views</u> ^{Note} |
|---|-------------------------------|---|
| Hon. SHEK Lai-him, Abraham | 22.9.2006 | <ul style="list-style-type: none"> • 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 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. |
| Miss TAM Wai-chu, Maria | 22.9.2006 | <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</p> |

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different sectors. It is on this basis that the nomination right of FCs should be retained when moving towards universal suffrage.

Dr. LEUNG
Mei-fun, Priscilla,
Prof CHENG
Kwok-hon, Leonard

22.9.2006

- 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 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.

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| | | <p>(2) <u>Abolishing corporate voting in the FCs</u> FC representatives should be elected by eligible voters in the respective FCs by “one-person-one-vote”. Voters in FCs must be clearly delineated.</p> <p>(3) <u>Adding more FCs</u> 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 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.</p> <p><u>Second Phase</u> 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).</p> <p><u>Third Phase</u> Should only consider abolishing all FC seats and returning all seats by universal suffrage when the necessary pre-conditions are ready.</p> |
| 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 |

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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 the Basic Law.

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.