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To : Hon Members of Legislative Council

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**Papers of the Task Group on Constitutional Development  
of the Commission on Strategic Development**

I attach for Members' reference the following papers of the Task Group on Constitutional Development –

Appendix I : Papers for the second meeting to be held on 27 March 2008

- Agenda
- Method for Forming the Legislative Council in 2012  
(*Paper No. CSD/TGCD/3/2008*)

Appendix II : Summary of the views expressed at the first meeting held on 28 February 2008

( Ms Amy YU )  
Senior Council Secretary (2) 3

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**Second Meeting of  
the Task Group on Constitutional Development  
of the Commission on Strategic Development  
to be held on 27 March 2008 at 4p.m.  
in the Conference Hall, 1/F, New Annex,  
Central Government Offices**

**Agenda**

- I. Matters arising from the last meeting
- II. Method for Forming the Legislative Council in 2012 (Paper No: CSD/TGCD/3/2008)
- III. Any other business

**Commission on Strategic Development  
Task Group on Constitutional Development**

**Method for Forming the Legislative Council in 2012**

**Introduction**

At the last meeting, members discussed the method for electing the Chief Executive (“CE”) in 2012 (Paper CSD/TGCD/2/2008). This paper provides background information to facilitate members’ discussion on the method for forming the Legislative Council (“LegCo”) in 2012, on the basis that the Basic Law and the Decision adopted by the Standing Committee of the National People’s Congress (“NPCSC”) must be complied with.

2. According to the Decision, the CE may be elected by universal suffrage in 2017 and, after the CE has been elected by universal suffrage, all members of LegCo may be elected by universal suffrage in 2020.

3. Regarding the LegCo election in 2012, the Decision provides that:

“The election of the fifth term LegCo of the HKSAR in the year 2012 shall not be implemented by the method of electing all the members by universal suffrage. The half-and-half ratio between members returned by functional constituencies (“FCs”) and members returned by geographical constituencies (“GCs”) through direct elections shall remain unchanged.”

According to the Decision, appropriate amendments conforming to the principle of gradual and orderly progress may be made to the specific method for forming the fifth term LegCo in the year 2012, in accordance with the provisions of Article 68 and Article III of Annex II to the Basic Law.

4. Regarding the LegCo election in 2012, although the Decision stipulates that it shall not be implemented by the method of universal suffrage, and the half-and-half ratio between members returned by FCs and members returned by GCs through direct elections shall remain unchanged,

there is still ample room for making amendments to the electoral method to enhance its democratic elements. On the basis that the Basic Law and the Decision must be complied with, we suggest members discuss the following key issues:

- (a) the number of seats in LegCo;
- (b) the number of seats returned by GCs through direct elections;
- (c) the number of seats returned by FCs;
- (d) the delineation and size of the electorate of FCs; and
- (e) whether the arrangement that 20 percent of LegCo seats may be returned by individuals who are not of Chinese nationality or who have the right of abode in foreign countries should be adjusted.

5. To facilitate members' discussion, we have consolidated the views collected during the public consultation exercise conducted by the Constitutional Development Task Force ("the Task Force") on the method for forming the LegCo in 2008. On this basis, we have set out various options regarding the key issues mentioned in paragraph 4 above.

### **Current Composition of LegCo**

6. In accordance with the provisions of Annex II to the Basic Law, LegCo shall be composed of 60 members in each term. Annex II prescribes the composition of LegCo in its first three terms. Regarding the composition of the third term LegCo, the number of seats returned by GCs through direct elections and by FCs is both 30.

7. As for the fourth term LegCo to be formed in 2008, according to NPCSC's Interpretation of 6 April 2004, if no amendment is made to the method for forming LegCo, the provisions relating to the method for forming the third term LegCo and the provisions relating to its procedures for voting on bills and motions in Annex II to the Basic Law will still be applicable. As the proposed package put forth by the HKSAR Government in 2005 to amend the electoral method for forming LegCo in 2008 was not endorsed by the two-thirds majority support of all LegCo Members required by the Basic Law, the electoral method for the fourth term LegCo

will remain unchanged.

8. In accordance with the provisions of Annex II to the Basic Law, the Legislative Council Ordinance (Cap. 542) specifies detailed statutory provisions on the division of GCs and the voting method for direct elections therein, the delimitation of functional sectors, their seat allocation and election methods, etc.

9. As regards direct geographical elections, the Legislative Council Ordinance stipulates that there are to be five GCs. In general, the 30 seats to be returned by GCs through direct elections are distributed among the constituencies in accordance with their population distribution. Details are as follows:

<b>Geographical Constituency</b>	<b>Number of Seats<sup>1</sup></b>
Hong Kong Island	6
Kowloon East	4
Kowloon West	5
New Territories East	7
New Territories West	8

10. For elections in GCs, the list voting system operating under the largest remainder formula, which is a form of proportional representation voting system, is adopted. Under this system, candidates contest the election in the form of lists. Each list may consist of any number of candidates up to the number of seats in the relevant constituency. An elector is entitled to cast one vote for a list. Seats are distributed among the lists according to the number of votes obtained by the respective lists.

11. For FC elections, the Legislative Council Ordinance provides for the establishment of 28 FCs (please refer to Annex I for details). Except for the Labour FC which returns three members, all FCs return one member each.

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<sup>1</sup> As the projected population of the Kowloon West GC exceeds that of the Kowloon East GC, the Electoral Affairs Commission has proposed that, starting from 2008, the number of GC seats for the Kowloon West GC should be increased from four to five, and that the number of GC seats for the Kowloon East GC be decreased from five to four. The number of seats in the remaining three GCs should remain unchanged. The legislation for implementing the above proposal has been passed by LegCo.

## **Method for Forming LegCo in 2012**

12. In discussing the method for forming LegCo in 2012, we suggest that members take into account the following factors:

- (i) the provisions of NPCSC's Decision (i.e. the half-and-half ratio between members returned by FCs and members returned by GCs through direct elections shall remain unchanged) must be complied with; and
- (ii) how to further democratize the electoral method in accordance with the principle of gradual and orderly progress.

### **(a) Number of Seats in LegCo**

13. During the public consultation on the method for forming LegCo in 2008, most of the views collected by the Task Force are that the number of seats in LegCo should be increased or should remain unchanged. Hence, we suggest members focus the discussion on the options of increasing or maintaining the existing number of seats. Members may make reference to the population-to-seat ratio of overseas legislatures (please refer to Annex II for details).

#### **(i) Increasing the Number of Seats**

14. Among the proposals received previously by the Task Force, the major reasons for increasing the number of seats include:

- (i) to enhance further the representativeness of LegCo;
- (ii) to enable more people to participate in politics, so as to nurture more political talent; and
- (iii) to meet the operational requirements of LegCo, improve the quality and efficiency of its service, and enhance its effectiveness in monitoring the performance of the government.

15. As regards the specific number of seats, among the proposals collected previously by the Task Force, there are more views that the number of seats should be increased to 70 or 80. The major reasons include

that this could enhance the representativeness of LegCo, and encourage more people to participate in the election and share out the workload of LegCo.

(ii) Maintaining the Existing Number of Seats

16. Among the proposals collected previously by the Task Force, there are also views that the number of seats should remain at 60. The major reasons include:

- (i) this could avoid incurring additional public expenditure and hampering its efficiency; and
- (ii) an overall increase in the number of seats will inevitably lead to an increase in the number of FC seats. It will be more difficult to abolish the newly-created FCs when the time comes for attaining universal suffrage in future.

**(b) Number of Seats Returned by GCs through Direct Elections**

17. Among the proposals received by the Task Force supporting an increase in the number of seats, there are views that the number of seats returned by GCs through direct elections should be increased to 35 for the reason that this will add one additional seat to each GC. Moreover, there are views that the five additional seats should be allocated in proportion to population.

18. There are also views that the number of seats returned by GCs should be increased to 40, so that each GC could have two additional seats. Moreover, there are views that the additional seats should be allocated in proportion to population.

**(c) Number of Seats Returned by FCs**

19. Among the proposals collected previously by the Task Force, some suggest that a suitable increase in the number of FC seats should be made in the light of the actual situation in Hong Kong. The major reasons include:

- (i) if sectors previously not represented could be included, this would widen public participation and enhance the representativeness and legitimacy of the LegCo;

- (ii) more opportunities could be provided for representatives of different sectors and strata to participate in politics, so that their views could be more fully reflected and their role in monitoring the performance of the government enhanced; and
- (iii) members returned through FCs could provide professional expertise to the legislature.

20. As for the specific number of seats, there are more views that the number of FC seats should be increased to 35 or 40.

21. However, there are also views that the number of seats returned by FCs should not be increased or should be reduced. The major reasons include:

- (i) increasing the number of seats returned by FCs will not be consistent with the ultimate aim of universal suffrage prescribed in the Basic Law; and
- (ii) as there is a myriad of suggestions on new FCs, the selection process itself may give rise to controversy within the community.

#### **(d) Delineation and Size of the Electorate of FCs**

22. According to the figures of the 2007 final register of voters, there are about 213,000 registered electors for the FCs, including about 15,000 bodies and about 198,000 individuals (please refer to Annex III for details).

23. Among the proposals received previously by the Task Force, there are views that the delineation and size of the electorate of FCs should remain unchanged, or certain FCs with a smaller electorate size should be abolished.

24. However, there are more views that the electorate of FCs should be broadened. The reasons include:

- (i) to enhance the representativeness of FC elections, to cover a wider range of sectors, and to take care of the interests of different strata of the community;



- (ii) to enhance the legitimacy of the elections;
- (iii) to serve as a transitional arrangement leading to universal suffrage.

25. As to how the electorate base and size of FCs should be broadened, the proposals collected previously by the Task Force cover the following four areas<sup>2</sup>:

- (i) establishing new FCs;
- (ii) increasing the number of FC seats allocated to District Councils;
- (iii) replacing corporate votes with director's or individual's votes; and
- (iv) splitting or merging certain existing FCs.

(i) Establishing New FCs

26. There are views that new FCs should be established to take up the increase in the number of seats returned by FCs. If members agree that consideration could be given to establishing new FCs, we suggest that the following factors should be taken into account:

- (i) whether the option can tie in with the development of society and respond to public aspiration;
- (ii) whether the overall composition of LegCo can comply with the principle of "meeting the interests of different sectors of society";
- (iii) whether the option is practicable and will not give rise to very serious dispute within the community; and
- (iv) the importance and representativeness of the sectors concerned within the community.

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<sup>2</sup> Recently, there have been views that the composition and electorate base of certain FCs should be reviewed. This is related to the detailed electoral arrangements, which can be further examined in future.

27. The Task Force received previously various proposals relating to establishment of new FCs, with the following examples:

- (i) Employer FC – this could allow both employers and employees to have their own representatives in the legislature;
- (ii) Chinese medicine practitioners and the Chinese medicine industry FC – this would reflect the importance of the sector and recognize its professional status;
- (iii) Women FC – this could allow women to reflect their views in the legislature;
- (iv) Small and Medium Enterprises FC – this would recognize their contribution to the Hong Kong economy; and
- (v) Auxiliary profession FC – this would recognize their contribution and allow them to reflect their views in the legislature.

(ii) Increasing the Number of FC Seats allocated to District Councils

28. Among the proposals received previously by the Task Force, there are views that consideration should be given to increasing the number of FC seats allocated to the District Councils, so as to enhance the representativeness of FCs through the District Councils.

29. However, there are also views that the District Council FC should be abolished, because it is not consistent with the concept of defining FCs by occupational nature.

(iii) Replacing corporate votes with director's or individual's votes

30. Among the proposals received previously by the Task Force, there are views that consideration should be given to replacing corporate votes with individual votes in the FC election. The major reasons include:

- (i) such new electors in the FCs to be included will represent more widely the views of the relevant industries or sectors. This will broaden the electorate base of the FCs, and

enhance overall participation as well as the legitimacy of the election; and

- (ii) with the change to individual voting, owners of corporations and responsible persons of organizations could continue to be electors of the relevant sectors.

31. We have not received many concrete proposals as to how the above could be implemented. There are views that voting rights should be given to the directors of companies or responsible persons of corporate bodies. There are also views that they should be given to employees or trade practitioners.

32. However, there are also views that corporate votes should not be replaced with individual votes, because this will not be consistent with the original intention of setting up the FCs.

#### (iv) Splitting or merging the Existing Sectors

33. Among the proposals received previously by the Task Force, there are views that some of the existing FCs should be split, with the following examples.

- (i) Real Estate and Construction FC – there are great differences in the policies and the mode of supervision and monitoring, etc between the real estate and the construction industry. Hence, there is a need to split the two.
- (ii) Sports, Performing Arts, Culture and Publication FC – the coverage of the existing FC is too broad. Splitting the FC could allow the views of the different sectors to be fully reflected.

34. In addition, there are views that certain FCs should be merged or reorganized, for example, merging the Finance FC and the Financial Services FC.

#### **(e) Whether the arrangement that 20 percent of LegCo seats may be returned by individuals who are not of Chinese nationality or who have the right of abode in foreign countries should be adjusted**

35. According to Article 67 of the Basic Law, permanent residents of

the HKSAR who are not of Chinese nationality or who have the right of abode in foreign countries may also be elected members of LegCo, provided that the proportion of such members does not exceed 20 percent of the total membership of the Council<sup>3</sup>. Regarding the composition of LegCo formed in 2012, members may consider whether the relevant arrangement should be adjusted.

36. Among the proposal collected previously by the Task Force, there are views that the current arrangement should be maintained. The reasons are that this would help maintain the image of Hong Kong as an international city, which would be conducive to attracting talents. Also, the current proportion is considered reasonable.

37. However, there are also views that the number and proportion of seats which may be returned by individuals who are not of Chinese nationality or who have the right of abode in foreign countries should be gradually reduced and eventually eliminated. This would ensure the allegiance of LegCo Members and their commitment to Hong Kong, and would be conducive to the implementation of “Hong Kong people ruling Hong Kong”.

## **Conclusion**

38. Regarding the LegCo election in 2012, the HKSAR Government does not have any established position on the issues set out in paragraphs 12-37 above. We suggest that members focus the discussion on:

- (a) whether the number of seats in LegCo, including the number of seats returned by GCs through direct elections and FCs, should be maintained or increased;
- (b) whether (and if so, how) the electorate base of FCs should be broadened, including :

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<sup>3</sup> According to the Legislative Council Ordinance, individuals who are not of Chinese nationality or who have the right of abode in foreign countries may join LegCo election through the following 12 FCs (equivalent to 20percent of LegCo seats): (1) Insurance, (2) Legal, (3) Accountancy, (4) Engineering, (5) Architectural, Surveying and Planning, (6) Real Estate and Construction , (7) Tourism, (8) Commercial (first), (9) Industrial (first), (10) Finance, (11) Finance Services ; and (12) Import and Export.

- (i) whether (and if so, how) new FCs should be established;
  - (ii) whether the number of FC seats allocated to District Councils should be increased;
  - (iii) whether corporate votes should be replaced with director's or individual's votes; and
  - (iv) whether certain existing FCs should be split or merged;
- (c) whether (and if so, how) the arrangement that 20 percent of LegCo seats may be returned by individuals who are not of Chinese nationality or who have the right of abode in foreign countries should be adjusted.

39. We welcome members' views on these issues.

Constitutional and Mainland Affairs Bureau  
March 2008

**The 28 Functional Constituencies Established under the Provisions of  
the Legislative Council Ordinance**

- |   |  |
|---|--|
| (1) Heung Yee Kuk                             | (15) Tourism   |
| (2) Agriculture and Fisheries                 | (16) Commercial (first)                                  |
| (3) Insurance                                 | (17) Commercial (second)                                 |
| (4) Transport                                 | (18) Industrial (first)                                  |
| (5) Education                                 | (19) Industrial (second)                                 |
| (6) Legal                                     | (20) Finance   |
| (7) Accountancy                               | (21) Finance Services                                    |
| (8) Medical                                   | (22) Sports, Performing Arts,<br>Culture and Publication |
| (9) Health Services                           | (23) Import and Export                                   |
| (10) Engineering                              | (24) Textiles and Garment                                |
| (11) Architectural, Surveying and<br>Planning | (25) Wholesale and Retail                                |
| (12) Labour                                   | (26) Information Technology                              |
| (13) Social Welfare                           | (27) Catering  |
| (14) Real Estate and<br>Construction          | (28) District Council                                    |

## Population-to-Seat Ratio of Overseas Legislature

Country	Population <sup>1</sup>	Statutory Number of Seats <sup>2</sup> of the Legislature	Population-to-Seat Ratio
Sweden	9,119,000	349	26,129
Finland	5,276,900	200	26,385
Norway	4,698,100	169	27,799
Denmark	5,442,100	179	30,403
New Zealand	4,178,500	120 <sup>3</sup>	34,821
Portugal	10,623,000	230	46,187
Singapore	4,436,300	96 <sup>4</sup>	46,211
Israel	6,927,700	120	57,731
Hong Kong	6,963,100	60	116,052
South Korea	48,223,900	299	161,284

<sup>1</sup> The population figures are extracted from the United Nations Statistic Division (<http://unstats.un.org/unsd/demographic/products/socind/population.htm>) and the Census and Statistics Department of HKSAR Government (<http://www.censtatd.gov.hk/home/index.jsp>).

<sup>2</sup> Source of information: PARLINE database (<http://www.ipu.org/parline-e/parlinesearch.asp>).

<sup>3</sup> There are 121 members in the current term Parliament.

<sup>4</sup> There are 94 members in the current term Parliament.

**The Electors for Functional Constituencies  
(Number of 2007 Final Register)**

Name		Number of Electors Registered		
		Bodies	Individuals	Total
1.	Heung Yee Kuk		151	151
2.	Agriculture and Fisheries	160		160
3.	Insurance	141		141
4.	Transport	180		180
5.	Education		84,639	84,639
6.	Legal		5,483	5,483
7.	Accountancy		20,329	20,329
8.	Medical		9,954	9,954
9.	Health Services		35,391	35,391
10.	Engineering		7,688	7,688
11.	Architectural, Surveying and Planning		5,559	5,559
12.	Labour	556		556
13.	Social Welfare		11,329	11,329
14.	Real Estate and Construction	432	313	745
15.	Tourism	976		976



16.	Commercial (first)	1,053		1,053
17.	Commercial (second)	737	1,015	1,752
18.	Industrial (first)	761	0	761
19.	Industrial (second)	527		527
20.	Finance	134		134
21.	Finance Services	569		569
22.	Sports, Performing Arts, Culture and Publication	1,814	80	1,894
23.	Import and Export	793	596	1,389
24.	Textiles and Garment	3,724	88	3,812
25.	Wholesale and Retail	1,736	2,486	4,222
26.	Information Technology	264	4,712	4,976
27.	Catering	478	7,535	8,013
28.	District Council		442	442
	<b>Total</b>	<b>15,035</b>	<b>197,790</b>	<b>212,825</b>

**Summary of the views expressed at  
the First Meeting  
of the Task Group on Constitutional Development  
of the Commission on Strategic Development  
held on 28 February 2008**

(Translation)

The Convenor welcomed Members to the first meeting of the Task Group on Constitutional Development (Task Group) of the Commission on Strategic Development. He made the following points:

- (a) The Decision of the Standing Committee of the National People's Congress (NPCSC) had made clear that the Chief Executive (CE) might be elected by universal suffrage in 2017 and, after the CE had been elected by universal suffrage, all members of the Legislative Council (LegCo) might be elected by universal suffrage in 2020. At the same time, appropriate amendments conforming to the principle of gradual and orderly progress might be made to the two electoral methods for 2012.
- (b) At present, the HKSAR Government had not formed any views on how the two electoral methods for 2012 should be amended. Members could discuss the two electoral methods for 2012 within the framework set out by the Decision and complete discussions around the middle of this year. The HKSAR Government hoped to consolidate the options which might be considered for amending the two electoral methods for 2012 in the fourth quarter of 2008 and to conduct another round of public consultation as early as possible.

**Issues to be Discussed at Future Meetings**  
**(Paper Ref: CSD/TGCD/1/2008)**

2. A Member opined that models for implementing universal suffrage should be discussed first and after consensus had been reached, members should then study the electoral methods for 2012 which would act as a midway station. Another Member was of the opinion that the electoral methods for 2012 and models for implementing universal suffrage in 2017 should be discussed together.

3. However, a Member pointed out that there was no necessary connection between universal suffrage in 2017 and the electoral methods for 2012, and that the two issues should not be bundled together. A Member considered that the task group should focus on studying the electoral methods for 2012. Nevertheless, there was no need to avoid discussing models for implementing universal suffrage in 2017 if the issue was touched on during discussion. In such case, members might exchange views on that issue.

4. Moreover, a Member suggested that the task group should meet more frequently to enable members to have thorough discussions on related issues. Another Member considered that there was no need for the task group to conclude the discussion by June this year. A Member pointed out that there was no need to hurry on the issue of the two electoral methods for 2012 before the formation of the fourth term LegCo in September this year.

5. In response, the Secretary for Constitutional and Mainland Affairs (SCMA) said that the Decision had made it clear that universal suffrage for the CE and the LegCo could be implemented in 2017 and 2020 respectively. At the present stage, the third term CE should first deal with issues relating to the two electoral methods for 2012. He should deal with the amendments to Annexes I and II to the Basic Law together with the fourth term LegCo around 2010. The CE elected in 2012 would then work with the fifth term LegCo on the implementation of universal suffrage for the 2017 CE election; whereas the CE elected by universal suffrage would work with the sixth term LegCo on the arrangements for implementing universal suffrage for the 2020 LegCo election. It was appropriate to deal with this issue step by step.

6. The SCMA was of the view that if the Election Committee to be formed in 2012 could be transformed into the nominating committee in 2017, the electoral arrangements in 2012 could complement those for implementing universal suffrage for the CE in 2017. To fully utilise the next four and a half years, the HKSAR Government had commenced discussions on the two electoral methods for 2012 through the Task Group and would decide after this autumn on when to conduct the next round of public consultation. The HKSAR Government hoped to forge consensus within the community through more deliberations and discussions.

7. The Convenor added that to facilitate early participation of the public in discussions on the two electoral methods for 2012, the work of the Task Group should not drag on for too long. He hoped that the discussion conclusions of the Task Group would help narrow the scope of discussion for

public consultation. He pointed out that discussion of the Task Group would be open and hoped that Members would focus on discussing the two electoral methods for 2012. However, the Administration would also listen to Members' views on the models for implementing universal suffrage.

**Method for Electing the Chief Executive in 2012 - Size and Composition of the Election Committee and Nominating Arrangements**  
**(Paper Ref: CSD/TGCD/2/2008)**

General Views

8. Overall, quite a number of Members took the view that the composition of the Election Committee for 2012 should transform into the nominating committee for 2017, so that the electoral arrangements in 2012 could complement those for implementing universal suffrage for the CE in 2017.

9. A Member opined that the degree of democracy in the electoral method for 2012 should show obvious improvement over the existing basis. Another Member commented that the electoral method for 2012 should allow people with different political views to participate. A Member agreed that the constitutional system for 2012 should move forward, which would be conducive to the implementation of universal suffrage. However, various parties should seek to build on common ground and accommodate mutual differences so as to reach consensus.

10. A Member noted that the package of proposals for amending the electoral methods for the 2007 CE election and the 2008 LegCo election put forth by the Government in 2005 might be used as a basis for discussing the electoral methods for 2012. He considered the package worthy of further contemplation as it was then supported by 60 % of members of the public, and deemed by both the Central Authorities and the SAR Government to be in compliance with the principle of "gradual and orderly progress" as laid down in the Basic Law. However, a Member was of the view that if the 2005 package was put up again now, further disputes might be aroused over the question of whether all District Council (DC) members should be included into the Election Committee, thus leading to social division. There was also a Member who expressed that the package of proposals for 2012 should be more democratic than the 2005 package.

11. However, a Member opined that as the CE would be elected by universal suffrage in 2017, it might not be appropriate to introduce

substantial changes to the electoral arrangements for 2012. Another Member shared this view and remarked that given the different nature of the Election Committee and the nominating committee, the Election Committee for 2012, which was to operate only once, should not be subject to great changes. A Member was of the view that 2012 was only four and a half years from now and there would not be sufficient time for the community to have thorough deliberations on fundamental changes, if any, to the electoral arrangements. In view of this, it might be more appropriate to maintain the existing arrangements.

12. There were suggestions that the discussion of the electoral methods for 2012 should take into account the principles of gradual and orderly progress and balanced participation as stipulated in the Basic Law. The electoral methods should be acceptable to different sectors of society as well as the Central Authorities.

#### Size of the Election Committee

13. A Member opined that the size of the Election Committee should not be expanded as too large a membership would make the election process complicated and might not be beneficial to the Hong Kong community. Another Member agreed and remarked that with fewer changes, there would be fewer social controversies. Besides, a Member was of the view that even with a larger membership size, the Election Committee still represented an electorate base no different from the one represented by a committee of 800 members. As such, there was no need to expand the size of the Election Committee.

14. There were suggestions that the size of the Election Committee should be expanded. The major reasons included that the majority of public had supported this in 2005 when the package of proposals for 2007/08 was put forth by the Government for public consultation, and adjustment to the size of the Election Committee would be necessary in order to tie in with social development. Specific proposals included increasing the size to 1 000 members, between 1 200 and 1 600 members, and to 1 800 members.

15. However, there were views that the most pivotal issue was not the size of the Election Committee, but the electorate base, which should be broadened in order to enhance the democratic element in the election.

## How the seats should be distributed among different sectors

16. Some Members suggested maintaining the existing arrangement that the four sectors took up an equal number of seats in the Election Committee so as to comply with the principle of balanced participation. A Member held the view that it was undesirable to include all DC members in the Fourth Sector, for this would upset the balance among the four sectors.

17. However, some Members proposed adjusting the proportion of seats among the four sectors. For instance, a Member suggested that the number of seats in each of the First, Second and Third Sectors be increased by 200 while all the 405 elected DC members should be included in the Fourth Sector. Another Member suggested that all DC members should be included in the Fourth Sector, i.e. appointed DC members should not be excluded.

18. In addition, a Member opined that the seats could be allocated based on the respective sectors' contribution to the gross domestic product of Hong Kong. A member expressed that consideration might be given to increasing the proportion of members from the industrial, commercial and financial sectors so as to tie in with Hong Kong's economic development, but a member objected to this proposal.

## Reorganising the subsectors

19. A Member considered that on the basis of the four sectors, consideration should be given to establishing new subsectors, with the additional seats allocated to sectors which are currently not represented in the Election Committee (e.g. Women subsector, Youth subsector, Small and Medium Enterprises subsector, Auxiliary profession subsector, Hong Kong-Mainland trade subsector), so as to expand the electorate base and enhance the representativeness of the Election Committee.

20. A Member was of the view that the public would find the splitting of subsectors more easily acceptable than the merging of subsectors. A Member proposed to split the Sports, performing arts, culture and publication subsector into a Sports subsector and a Performing arts, culture and publication subsector.

21. However, a Member opined that reorganisation of subsectors was unnecessary as the Election Committee to be formed in 2012 would be the last one before universal suffrage.

## Electorate Base of the Election Committee

22. Some Members considered that the electorate base should be expanded, so as to enhance the representativeness of the Election Committee.

23. As to how the electorate base should be expanded, a Member suggested that the corporate votes should be replaced with director's/executive's votes, but not individual's votes. However, another Member opposed to the idea, arguing that a director only represented himself personally and that there were cases of one individual serving as director in many different companies, which might result in unfairness. Another member raised that the process of replacing corporate votes with director's/executive's votes would be too complicated. A Member considered that if the corporate votes in some of the subsectors of the Election Committee were replaced with director's/executive's votes, the competitiveness of these subsectors would be enhanced. With the electorate base of other subsectors remaining unchanged, this would result in an imbalance of competitiveness among different sectors of the Election Committee, giving rise to potential unfairness.

24. While not objecting to the idea of expanding the electorate base, a Member considered that adequate discussion should be conducted with the relevant industry sectors. The member added that in the absence of consensus with the industry sectors, no changes should be made.

25. Noting that the method for returning members of the Election Committee might have an impact on the method for returning the functional constituency seats and might thus affect the current situation of balanced participation, a Member suggested that an approach of "resolving the simple issues before the difficult ones" should be adopted and that this issue should be dealt with later. Another Member was of the view that as the community would not have sufficient time to discuss on how the electorate base should be adjusted, it was more appropriate to maintain the existing electorate base.

## Nominating arrangements for the 2012 CE election

26. Some Members considered that the nomination threshold for the 2012 CE election should be maintained at one-eighth of the total membership of the Election Committee as the existing requirements already allowed enough room for competition. A Member was of the view that the existing nomination threshold should be maintained for 2012, but consideration might be given to lowering it to one-sixteenth of the total membership of the

Election Committee when implementing universal suffrage in 2017, in order to encourage more potential candidates to stand for the election.

27. A Member opined that the nomination threshold should not be raised. On the contrary, it might even be appropriate to have it lowered in order to further democratise the election in 2012.

28. Nevertheless, a Member considered that the nomination threshold should not be lower than the current level so as to avoid having too many candidates standing for election and wasting community resources. A Member expressed that the number of candidates standing for the 2012 CE election should be limited to between 2 and 4 for the purpose of protecting the interests of different sectors and ensuring balanced participation. Each candidate should be required to obtain subscription from one-fourth of all the members of the Election Committee as well as subscription from one-fourth of the members in each of the four sectors. However, a Member was concerned that this suggestion would amount to giving particular sectors a veto power, making it more difficult for people to take part in the election and causing great controversies.

29. Furthermore, there were suggestions that an upper limit for the number of subscribers for nominating a CE candidate should be set, so as to enable more potential candidates to take part in the election, but there were also opposing views.

### **Conclusion**

30. The Convenor said that in response to the aspirations of the Hong Kong people for universal suffrage, the Central Authorities had made clear the timetable for attaining universal suffrage in Hong Kong. Now, the general view of the community and the LegCo was that various sectors should seek to build on common ground and accommodate mutual differences so as to reach consensus on the electoral methods for 2012 as soon as possible.

31. The Chairman drew the following conclusions on Members' discussions:

- (1) While the Task Group still had diverse views regarding the specific method for electing the CE in 2012, Members generally hoped that the Election Committee for 2012 could be transformed into the nominating committee for 2017. This could



allow the electoral arrangements in 2012 to complement those for implementing universal suffrage for the CE in 2017;

- (2) Quite a number of Members agreed that the composition of the Election Committee for 2012 should comply with the principle of “balanced participation”. Some Members raised that the composition of the Election Committee was a more important issue than the size of the Committee;
- (3) The issue of whether and how the electorate base should be expanded was more controversial, on which more views should be collected;
- (4) The issue of nomination threshold and the number of candidates would need to be further studied.

32. The Convenor said that the Secretariat would sum up the views expressed by Members. The next meeting was tentatively scheduled for late March.

33. The attendance list is attached at Annex.

**Secretariat to the Commission on Strategic Development  
March 2008**

策略發展委員會  
政制發展專題小組  
第一次會議  
2008年2月28日

First Meeting of the  
Task Group on Constitutional Development  
of the Commission on Strategic Development  
28 February 2008

出席人士  
Attendance List

召集人 :  
Convenor :

Mr TANG Ying-yen, Henry, GBS, JP  
Chief Secretary for Administration

政務司司長  
唐英年先生, GBS, JP

官方委員 :  
Official Members :

Mr LAM Sui-lung, Stephen, JP  
Secretary for Constitutional and Mainland Affairs

政制及內地事務局局長  
林瑞麟先生, JP

Prof LAU Siu-kai, JP  
Head, Central Policy Unit

中央政策組首席顧問  
劉兆佳教授, JP

列席人士 :  
In Attendance :

Mr LAW Chi-kong, Joshua, JP  
Permanent Secretary for Constitutional and  
Mainland Affairs

政制及內地事務局常任秘書長  
羅智光先生, JP

Mr HO Kin-wah, Arthur, JP  
Deputy Secretary for Constitutional & Mainland  
Affairs (1)

政制及內地事務局副秘書長(1)  
何健華先生, JP

Mr CHAN Wai-man, Darryl  
Press Secretary to Chief Secretary for  
Administration

政務司司長新聞秘書  
陳維民先生

非官方委員 :

Non-official Members :

Sir AKERS-JONES, David, GBM, JP  
Mr CHAN Chung-bun, Bunny, BBS, JP  
Prof CHEN Hung-ye, Albert, JP  
Mr CHEUNG Chi-kong  
Mr CHOW Yung, Robert, BBS  
The Hon EU Yuet-mee, Audrey, JP  
Ms FANG Meng-sang, Christine, JP  
Mr HOO, Alan, SBS, JP  
Mrs IP LAU Suk-ye, Regina, GBS, JP  
Ms KO Po-ling, MH, JP  
Mr LAU Nai-keung  
The Hon LEE Cheuk-yan  
The Hon LEE Wing-tat  
Dr LI Ka-cheung, Eric, GBS, JP  
Mr LIE-A-CHEONG Tai-chong, David, JP  
Mr LO Wing-hung, BBS  
The Hon SHEK Lai-him, Abraham, SBS, JP  
Dr SHIH Tai-cho, Louis  
Mr SHIH Wing-ching, JP  
Mr TAM Kwok-kiu, MH, JP  
Miss TAM Wai-chu, Maria, GBS, JP  
The Hon TIEN Pei-chun, James, GBS, JP  
The Hon TSANG Yok-sing, Jasper, GBS, JP  
Mr WONG Kwok-kin, BBS  
Mr WOO Kwong-ching, Peter, GBS, JP  
Dr YUNG Wing-ki, Samuel, MH, JP  
Dr ZHOU Ba-jun

鍾逸傑爵士, GBM, JP  
陳振彬先生, BBS, JP  
陳弘毅教授, JP  
張志剛先生  
周融先生, BBS  
余若薇議員, JP  
方敏生女士, JP  
胡漢清先生, SBS, JP  
葉劉淑儀女士, GBS, JP  
高寶齡女士, MH, JP  
劉迺強先生  
李卓人議員  
李永達議員  
李家祥博士, GBS, JP  
李大壯先生, JP  
盧永雄先生, BBS  
石禮謙議員, SBS, JP  
史泰祖醫生  
施永青先生, JP  
譚國僑先生, MH, JP  
譚惠珠女士, GBS, JP  
田北俊議員, GBS, JP  
曾鈺成議員, GBS, JP  
黃國健先生, BBS  
吳光正先生, GBS, JP  
容永祺博士, MH, JP  
周八駿博士

秘書 :

Secretary :

Mr Raymond TAM

譚志源先生

因事未能出席

Apologies

Dr LAW Chi-kwong, SBS, JP  
Mr NIGHTINGALE, Anthony John Liddell, SBS, JP  
Mr WU Ting-yuk, Anthony, JP

羅致光博士, SBS, JP  
黎定基先生, SBS, JP  
胡定旭先生, JP