



**HONG KONG DEMOCRATIC FOUNDATION  
CONSTITUTIONAL REFORM PROPOSALS**

**District Council Election** 2011 Election all appointed District Council seats to be abolished.

**Chief Executive Election** 2012

1. Eliminate corporate voting in the Election Committee and thus expand its electorate by transferring the entitlement to vote for the election of sub-sector constituent EC members from corporate or organizational electors to their directors, partners or office-bearers as individuals.

**Legislative Council Election** 2012

1. Eliminate corporate voting in Functional Constituencies and thus expand the electorates in those FCs with corporate voting by transferring the entitlement to vote on behalf of corporate or organizational electors to its directors, partners or office-bearers as individuals. It is our recommendation that in respect of an FC corporate member all directors of the company duly registered with the Companies Registry, or all partners registered at the Business Registration Office, or all office-bearers registered under the Societies Ordinance at a certain date before the compilation of the electoral roll for the FCs should be entitled to be FC voters. In the case of the Labour FC, the electorate should be all registered members of the constituent Trade Unions.
2. Consolidate existing FCs into a number of multi-seat FCs by grouping broadly compatible FCs into the same multi-seat constituency, with the total number of seats allocated to FCs being maintained at the current 30 FC seats.

**Alternative Proposal - 2012-2020**

A transition toward a "One-person-two votes Proposal" could be feasible. The FCs would be phased out, and Legco elections would comply with ICCPR and Basic Law's stipulation of "Equal and Universal Suffrage":

香港民主促進會

**Hong Kong Democratic Foundation**

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1. 2012 -- FCs to be organised into 5 groups. FCs to have nomination rights for the 5 new seats for election by One-person-two-votes by all registered voters. Current FC voters will also have two votes (i.e. must choose between voting in the "Old FCs" or "5 New Seats").
2. 2016 -- FCs to be organised into groups for 35 FC Seats (e.g. in 5 or 7 sectors). FCs will only have nomination rights. 35 FC seats to become "Sectors Seats" and elected by one-person-two-votes by all registered voters.
3. 2020 -- FCs (or Sectors) to lose nomination rights. Legco to be elected by 35 Geographic Seats and 35 Single-territory seats by One-person-two-votes.

## **Methods for selecting the CE in 2012**

### **1. Election Committee Size:**

We do not believe an increase in the size of the Election Committee would make it any more representative than it is now and therefore do not believe increasing its size is necessary. Rather, we believe expanding the electorate that returns the members would be a more effective way of improving its representativeness.

### **2. The composition of the Election Committee:**

We believe that the allocation of seats in the Election Committee gives disproportionate representation to some sectors and sub-sectors and needs to be addressed. For example in the First, Second and Third sectors the seats are either evenly or almost evenly distributed among the subsectors, but each subsector is certainly not an equal contributor to the community. To take just one instance for illustration, the Agriculture and Fisheries subsector is surely not of the same value to the community as the Labour subsector.

### **3. The electorate base of the Election Committee:**

The electorate for the Election Committee needs to be expanded in order to increase its representativeness. At a very minimum corporate votes need to be replaced by transferring the entitlement to vote on behalf of corporate or organizational electors to its directors, partners or office-bearers as individuals. Better still, for those subsectors where it would be applicable, the corporate vote should be replaced by individual

voters who require a specific qualification in order to take up employment in the relevant industry or occupation.

#### **4. The arrangements for nominating candidates for the office of the CE:**

The nomination threshold should be retained at one-eighth of the total membership of the Election Committee.

There should be no upper limit set for the number of subscribers for a CE candidate.

#### **5. Political affiliation of the CE:**

We believe it would be beneficial for the CE to have a political affiliation if wished, as it would assist developing support for policies and legislation in the Legislative Council.

### **Method for forming the LegCo in 2012**

#### **6. The number of seats in the LegCo:**

As long as the number of seats have to be increased in proportion between geographical and functional constituencies, we are opposed to any increase in the number of seats in the Legislative Council. However, we might consider an increase in LegCo seats that complied with the "Alternative Proposal 2012-2020" in our attached "Hong Kong Democratic Foundation Constitutional Reform Proposals".

Furthermore, we believe the proposal for an additional 5 seats for the District Council FC would put the District Councils in breach of Article 97 of the Basic Law, which states:

"District organizations which are not organs of political power may be established in the Hong Kong Special Administrative region to be consulted by the government of the Region on district administration and other affairs ..."

There can be little argument that expanding the number of District Council seats in LegCo would in effect confer political power on the District Councils in contravention of Article 97.

#### **7. The electorate base of the FCs:**

We believe that at a minimum, corporate votes should be replaced by transferring the entitlement to vote on behalf of corporate or

organizational electors to its directors, partners or office-bearers as individuals. It is our recommendation that in respect of an FC corporate member all directors of the company duly registered with the Companies Registry, or all partners registered at the Business Registration Office, or all office-bearers registered under the Societies Ordinance at a certain date before the compilation of the electoral roll for the FCs should be entitled to be FC voters. In the case of the Labour FC, the electorate should be all registered members of the constituent Trade Unions. Better still, for those FCs where it would be applicable, the corporate vote should be replaced by individual voters who require a specific qualification in order to take up employment in the relevant industry or occupation.

#### **8. Nationality requirement of LegCo Members:**

We agree that the existing arrangement of allowing Hong Kong permanent residents who are not of Chinese nationality or who have the right of abode in foreign countries to stand in the LegCo elections for 12 seats should remain unchanged.