

Mr K. Y. Shaw

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**Subject: Development of the political system of the SAR**

Universal Suffrage

I. Chief Executive

Article 45 of the Basic Law makes it explicitly clear that 'the ultimate aim is the selection of the Chief Executive by universal suffrage...'. However, Annex I of the said Law impliedly rules out the possibility of electing a Chief Executive by means of universal suffrage in or prior to the year 2007. Therefore, as a person who bolsters the rationale behind universal suffrage, I think the Chief Executive (or CE for short), shall be elected by universal suffrage in the year 2012.

For the sake of simplicity, the voters shall be allocated to the same polling station as the one designated for geographical constituency of Legco seats. The candidate for the office of CE gets the tenure if he achieves simple majority: i.e. he/ she gets the highest number of votes among all candidates.

II. Legislative Council

Article 68 makes it clear that 'the ultimate aim is the election of all members of the Legco by universal suffrage'. However, Annex II impliedly rules out the possibility of election of all Legco members by means of universal suffrage in or prior to the year 2007. Therefore, the earliest time where all members of Legco can be elected by universal suffrage will be 2011, and I suggest it be the year where all Legco members shall be elected by universal suffrage.

All the Legco seats, 60 in total, shall be elected by means of geographical constituencies. Each geographical constituency may return several Legco seats, but the number of seats should be in direct proportion to the population of that constituency. The setting out of the boundaries of constituencies is open to discussion.

III. The implications on CE elected by universal suffrage

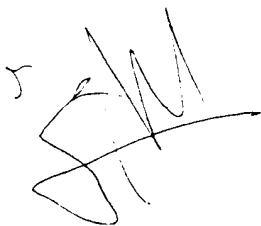
The implications on Chief Executive elected by universal suffrage are simply that, in order to win a second term of office, he must do pretty well and carry out his duty in the interests of all Hong Kong people as a whole, of course with greater accountability to the public. Major government officials also bear such enhanced accountability. Whether the major officials should be 'politically appointed' (政治任命), as it is coined, is no matter for discussion because they are *de facto* political appointments. Manifest in paragraph (5) of Article 48 was the authority of the CE to appoint and sack the major government officials. Having the power to sack non- or poor-performers is one thing, whether the CE will do so is quite another.

What is left to be debated is the terms of service of major officials. Shall they be on contract terms? Or shall their employment terms be just like the rest of the 180,000+ civil servants? Shall they be entitled to pension? Or will contract-end gratuity be more suitable. I think if the CE decides to promote an official who has already been working in the government under pension scheme to a position of one of the principal officials as set out in Article 48, that official shall continue to entitle to the benefits and terms of remuneration as he does. However, if an official is appointed from outside the bureaucracy, he or she shall be on contract terms, with or without gratuity upon contract end but definitely shall not be entitled to pension.

### Referendum

The Basic Law does not have provisions relating to referendum. I think the Legislative Council shall enact legislation in this respect. Such legislation shall set out the scope within which referendum may take place (i.e. which issues of the SAR can launch a referendum), the statutory procedure through which the referendum may take place (e.g. the nomination of a 'promoter', the endorsement of a pre-set number of supporters of the motion (the names, signatures and ID numbers of the supporters to be filled in forms made and distributed by government)), the conditions in which the government may approve or refute the implementation of the referendum, and finally the implementation of the referendum itself. The legislation shall be clear enough so that the mechanism will not be abused and that Hong Kong people's opinion is sufficiently represented. In particular, the scope of referendum must be unambiguous; only issues concerning constitutional affairs may become the subject for referendum. And referendum pertaining to the same issue cannot take place twice within a certain period, say 5 years.

P.S. = I'm not going to attend the hearing in March 2000.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.