

## **Lo Shiu Hing's Written Submission on HKSAR's Political Reform**

### **1. Precondition of the Public Discussion on Political Reform**

The HKSAR Government should accelerate the implementation of civic education in the HKSAR's secondary schools. At present, school children in general lack basic knowledge on the political institutions, let alone the content of the Basic Law. Depoliticization was a hallmark of the colonial education, but the HKSAR's Education Department should instill more political knowledge to students, who should be encouraged to appreciate different and opposing political views in society. School teachers should also be mobilized to study politics and understand the Basic Law. A campaign promoting the Basic Law should be established by either the Government or the Legislative Council, attempting to publicize relevant sections of the Basic Law concerning political development. If our society remains depoliticized, especially the younger generation who will work in the society by the year 2006 or 2007, the public discussion on political reform would probably mirror the old argument concerning direct election introduced to LegCo in 1987, when many people argued that Hong Kong people were politically immature to allow further democratization of the political system. In short, the Government should make extra efforts to educate the public politically regarding the current political structure and the Basic Law from now to 2007. Depoliticization should not longer be used by the HKSAR Government to delay and undermine the public discussion on political reform.

### **2. Procedures leading to Public Consultation on Political Reform**

The HKSAR Government should learn from the mistakes committed by the colonial government during the public consultation on the introduction of direct elections to LegCo in 1987 and 1988. The colonial government made several mistakes: (1) failure to conduct a scientific opinion survey on public views, and (2) manipulation of some survey results in order to postpone the introduction of direct election to legCo in 1988. The HKSAR Government should no longer rely only on opinion surveys to tap the views of the public on political reform. It should consider the likelihood of conducting a referendum regarding the issue of, say, whether the Chief Executive should be directly elected and the pace of introducing more directly elected seats to the LegCo.

Apart from a referendum which can be held in 2006, there should be a number of steps taken by the Government and LegCo in preparation of political reform. First and foremost, the Government should set up an independent committee in 2001 that will invite the public to put forward their views regarding political reform in the HKSAR. The committee should be impartial and composed of some court judges, academics and elected politicians. In 2005, the committee will compile a report on the public views. The committee will also be responsible for deciding what questions should be asked in the possible referendum in 2006. It will also decide whether a territory-wide opinion survey will be conducted instead of having a referendum on political reform in the HKSAR.

Second, from 2001 to 2006, the LegCo can consider holding a series of constitutional conventions that discuss different topics concerning political reform, such as (1) constitutional conventions in the HKSAR; (2) executive-legislative relationship; (3) the role of LegCo President in interpreting Article 74 of the Basic Law (the current and the former LegCo

Presidents should be invited to discuss the guidelines they may have adopted to interpret the Basic Law and LegCo's Standing Order); (4) the advantages and disadvantages of maintaining collective responsibility in Executive Council (ExCo) and of appointing people with or without political party background to ExCo; (5) the question of whether the Chief Executive should be directly elected, when such direct election should take place, and whether the Selection Committee choosing the Chief Executive in the past should be maintained and yet democratized further; (6) the role of senior civil servants in the HKSAR's political system (Should they assist elected "ministers"? Should they refrain from appearing in political party's meetings and functions to maintain their political neutrality? Should retired senior civil servants be appointed to ExCo?); and (7) the question of increasing the powers of District Councils, and whether elected councillors should be allowed to become district "ministers" responsible for environmental, cultural and transport affairs, affairs that are under the jurisdiction of District Councils. These constitutional conventions should invite political parties and independent politicians at the LegCo and District Council levels to give their views. The objectives of such conventions are to generate new ideas on political reform and hopefully political consensus may be reached by the political parties and elites concerned.

Third, the HKSAR Government itself should conduct in-depth studies on the seven topics mentioned before. The Government should re-consider the desirability of having government officials who at present often appear in some functions organized by some political parties. I have no objection to officials attending all the activities and functions of ALL political parties, but their presence in some party functions appear to undermine the image of political neutrality, at least in public. In the event that the Government produces a report on its view on political reform, it should be submitted to both the independent committee consulting the public and the LegCo for further discussion in, say, constitutional conventions.

These three-pronged strategy of dealing with political reform in the HKSAR-consultation and possibly referendum conducted by the independent committee, constitutional conventions sponsored by LegCo members, and in-depth study by the Government-should make the HKSAR well prepared for political reform in 2006 and 2007.

### 3. My Views on Political Reform

The question of whether the Chief Executive should be elected by universal suffrage is a complicated one. First, should there be a committee that will screen the candidates running for the Chief Executive? Second, if such committee as with the Selection Committee electing the first Chief Executive in December 1996 were maintained, should its composition be democratized and widened? Third, when will the Chief Executive be elected by universal suffrage? In my view, the procedure legitimacy of the future Chief Executive will be maximized in the minds of the public if he or she is elected by universal suffrage. My view is that for referendum purpose in 2006, the independent committee may ask citizens whether they would favour (1) the selection of Chief Executive by universal suffrage after nomination by a Selection Committee, or (2) the maintenance of the selection of the Chief Executive by the Selection Committee. In either case, I would suggest that the composition of the Selection Committee should be democratized and should compose people from different political leanings and all walks of life.