

立法會 *Legislative Council*

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Panel on Constitutional Affairs

Background brief prepared by the Legislative Council Secretariat for the meeting on 19 June 2006

Models for selecting the Chief Executive and forming the Legislative Council by universal suffrage

Background and purpose

The Panel on Constitutional Affairs discussed the proposals put forward by the Democratic Party on the models for selecting the Chief Executive and for forming the Legislative Council by universal suffrage in 2012 at its meetings on 16 January 2006, 21 April 2006 and 15 May 2006. Members requested the Legislative Council (LegCo) Secretariat to summarise the proposals on models for selecting the Chief Executive and forming LegCo by universal suffrage received by the committees of LegCo and the Constitutional Development Task Force for further discussion by the Panel at its next meeting on 19 June 2006.

2. This paper is a summary of such proposals received from various parties by the Panel, the Subcommittee to Study the Administration's Proposals for the Methods for Selecting the Chief Executive in 2007 and for Forming the Legislative Council in 2008, and the Constitutional Development Task Force.

3. Members are invited to note that while some of the deputations giving views to the Panel and the Subcommittee expressed support for the election of the Chief Executive and LegCo Members by universal suffrage, not too many parties had put forward specific models in their submissions.

Basic Law

Method for selecting the Chief Executive by universal suffrage

4. Under Article 45 of the Basic Law, the Chief Executive shall be selected by election or through consultations held locally and be appointed by the Central People's Government (CPG). The method for selecting the Chief Executive

shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region (HKSAR) and in accordance with the principle of gradual and orderly progress. The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures.

Method for forming LegCo by universal suffrage

5. Article 68 of the Basic Law provides that LegCo shall be constituted by election. The method for forming LegCo shall be specified in the light of actual situation in the HKSAR and in accordance with the principle of gradual and orderly progress. The ultimate aim is the election of all Members of LegCo by universal suffrage.

Summary of proposals on the models for universal suffrage

Models for selecting the Chief Executive by universal suffrage

6. Various models for selecting the Chief Executive by universal suffrage had been put forward. Some parties had proposed that the composition of the nominating committee should be based on and developed from the Election Committee, with its membership and electorate size expanded to enhance representativeness. Some parties considered that the membership size of the nominating committee was not an issue, provided that its members were representative, for example, a nominating committee composed of 60 LegCo Members was a possible option. Some other parties considered that a Chief Executive candidate should obtain nominations from a prescribed number of registered voters, in addition to those from members of the nominating committee.

7. Some parties considered that there was no need to have a nominating committee. A Chief Executive candidate should be nominated by a specified percentage of registered voters and elected by universal suffrage on the basis of “one person, one vote”.

8. The proposals on the models for selecting the Chief Executive by universal suffrage are summarised in **Appendix I**.

Models for forming LegCo by universal suffrage

9. Some parties considered that all LegCo Members should be elected on geographical constituency (GC) basis when the ultimate aim of universal suffrage was attained. Some of these parties had proposed various transitional arrangements, including the abolition of functional constituencies (FCs) by phases.

10. Some parties had proposed election of a group of LegCo Members on GC basis and another group of Members on a regional or territory-wide basis, or election of a group of LegCo Members on GC basis and election by universal suffrage of another group of Members who were nominated by FC. These parties considered that these models would enhance balanced participation of different sectors of society in LegCo after the implementation of universal suffrage.

11. Some parties had proposed that a bicameral system, i.e. a two-chamber legislature, should be considered.

12. Regarding the composition of LegCo, there were views that the membership of LegCo should be expanded.

13. The proposals on models for forming LegCo by universal suffrage are summarised in **Appendix II**.

Overseas practices

14. To facilitate the consideration of the Panel, the Research and Library Services Division has prepared the Information Note on Summary of Electoral Systems in Singapore, New Zealand, Germany, the United Kingdom, Japan, France, and the United States (IN19/05-06) which is in **Appendix III**. Table 1 of the Information Note summarises the electoral and appointment system of the legislatures in these places, and Table 2 summarises the systems of selection of the head of state/government in these places.

Relevant papers

15. A list of the relevant papers which are available on the LegCo website is in **Appendix IV**.

Proposals on the models for selecting the Chief Executive by universal suffrage

A. Proposed models (with a nominating committee)

Organisations/individuals (Submission No.)	Views received by (date of submission)	Proposed models for selecting the Chief Executive by universal suffrage
Civic Exchange (01)	Panel (Submission dated 15 February 2005)	<p>The Election Committee to be composed of not less than 5 000 members and become the nominating committee.</p> <p>A Chief Executive candidate may qualify for candidacy if he is able to secure nominations by not less than 250 members of the nominating committee and 2 500 registered voters.</p>
Democratic Party (02)	<p>Panel (Submission dated April 2006)</p> <p>Task Force (Submission dated 25 May 2005)</p>	<p>The nominating committee to be formed by Members of the Legislative Council (LegCo).</p> <p>A Chief Executive candidate to be nominated by five LegCo Members (each Member may nominate only one candidate).</p> <p>Members of the public to vote on all candidates on a “one person, one vote” basis.</p>
Hong Kong Bar Association (03)	Panel (Submission dated 3 March 2000)	All members of the Election Committee to be returned by direct or indirect election, and at least half of the members to be returned by geographical constituency (GC) election by universal suffrage.

Organisations/individuals (Submission No.)	Views received by (date of submission)	Proposed models for selecting the Chief Executive by universal suffrage
Hong Kong University Graduates Association Political Reform Concern Group (04)	Panel (Submission dated September 2004) Task Force (Submission dated September 2004)	To transform the 800-member Election Committee into a 1200-member nominating committee. A Chief Executive candidate to be jointly nominated by not less than 150, but not more than 200 members of the nominating committee (with not less than 25 members from each sector). Each member may only nominate one candidate. Election of the Chief Executive by universal suffrage to be held after nomination.
Article 45 Concern Group (05)	Task Force (Submission received on 23 February 2004)	Either convert the present Election Committee to a nominating committee whose only function is to nominate any candidate with the endorsement of say, 5% of its members, or give power to LegCo to nominate any candidate with the endorsement of say, five Members. The general electorate to vote on all candidates on a “one person, one vote” basis.
CHAN Wai-yip (06)	Task Force (Submission dated 15 October 2004)	A Chief Executive candidate may qualify for formal candidacy if he is able to secure nominations by not less than 5 000 registered voters, and the support of not less than 5% of the Election Committee. After nomination, candidates to be elected by all electors in Hong Kong by universal suffrage. The candidate receiving the highest number of votes will become the Chief Executive. The Election Committee should validate the election result procedurally, and the candidate elected will become the Chief Executive upon validation.

Organisations/individuals (Submission No.)	Views received by (date of submission)	Proposed models for selecting the Chief Executive by universal suffrage
Rita FAN (07)	Task Force (Submission dated 27 September 2004)	<p>Chief Executive candidates to be elected by universal suffrage upon nomination by a nominating committee.</p> <p>The nominating committee should comprise 1 600 members from different sectors (same as those of the Election Committee) who are returned by election. Formal candidacy for the Chief Executive requires nomination by not less than 400 Committee members.</p>
Hong Kong Democratic Foundation and Power for Democracy (08)	Task Force (Submission dated 13 February 2004)	<p>Option 1: Formal candidacy for the Chief Executive requires nomination by a certain number of Election Committee members. The Chief Executive to be elected by universal suffrage after nomination by the Election Committee.</p> <p>Option 2: A Chief Executive candidate may qualify for formal candidacy through the collection of a certain number of supporting signatures from registered voters (say, 50,000 to 100,000), followed by election by universal suffrage.</p>
Joint Committee for The Promotion of the Basic Law of Hong Kong (09)	Task Force (Submission dated 21 October 2004)	<p>Turn the Election Committee into the nominating committee. The method for electing members of the nominating committee should be the same as that for electing members of the Election Committee. The number of members should be increased to 1 600. In each sector, there should be 25 members returned by universal suffrage through GCs.</p> <p>Each member of the nominating committee may nominate only one candidate, and each candidate must be nominated by 200 members.</p>

Organisations/individuals (Submission No.)	Views received by (date of submission)	Proposed models for selecting the Chief Executive by universal suffrage
		If only one candidate is selected by the nominating committee, that candidate will be elected <i>ipso facto</i> . If more than one candidate are selected by the nominating committee, election by universal suffrage shall be held.
Eric K C LI (10)	Task Force (Submission dated 1 April 2004)	First phase: turn the 800-member Election Committee into a nominating committee and elect no more than three candidates for universal suffrage. Second and final phase: full universal suffrage.
SynergyNet (11)	Task Force (Submission dated 13 February 2004)	Any 500 registered voters together to make a preliminary nomination of a candidate for the Chief Executive post. Each registered voter to make only one such nomination. Preliminary nominees to be scrutinised by the nominating committee. Only those preliminary nominees who obtain the endorsement of a minimum of 100 members of the nominating committee will be put forward for election by universal suffrage. Each member of the nominating committee to nominate only one preliminary nominee. In practice, this means a maximum of eight preliminary candidates to be “screened in” by the nominating committee for popular election. The total membership of the nominating committee to be 800 or an enlarged number such as 1,000 to 1,200. Members of the nominating committee from different sectors to be elected on the basis of “one person, one vote” within the sectors to which they belong.

Organisations/individuals (Submission No.)	Views received by (date of submission)	Proposed models for selecting the Chief Executive by universal suffrage
The Law Society of Hong Kong (12)	Task Force (Submission dated 27 September 2004)	The nominating committee can take the form of either a separate committee, or transformed from the Election Committee or LegCo.

B. Other models (without a nominating committee)

Organisations/individuals (Submission No.)	Views received by (date of submission)	Proposed models for selecting the Chief Executive by universal suffrage
Mr LEUNG Kwok-hung (13)	Panel (meeting on 16 January 2006)	No need to establish a nominating committee. A candidate can only be nominated when he has secured support from a specified percentage of registered voters. The nomination and election proceedings should adhere to the principle of “one person, one vote”.
Association for the Advancement of Feminism (14)	Subcommittee (Submission dated 9 November 2005)	No need to establish a nominating committee. The Chief Executive to be elected by “one person, one vote”.

Note: The above information is extracted from the submissions to the Panel on Constitutional Affairs (Panel), the Subcommittee to Study the Administration's Proposals for the Methods for Selecting the Chief Executive in 2007 and for Forming the Legislative Council in 2008 (Subcommittee) and the Constitutional Development Task Force (Task Force).

Proposals on the models for forming the Legislative Council by universal suffrage

A. Unicameral system

Organisations/individuals (Submission No.)	Views received by (date of submission)	Proposed models forming the Legislative Council by universal suffrage
Dr Anthony B L CHEUNG (15)	Panel (Submission dated 27 January 2000)	<p>Ways to move to a democratically elected Legislative Council (LegCo) –</p> <ul style="list-style-type: none"> a. all 60 LegCo seats to be directly elected on a geographical constituency (GC) basis; or b. 30 seats to be directly elected on a GC basis and the remaining 30 seats 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 functional constituency (FC) seats on a universal franchise basis (each voter is eligible to vote in one GC and one FC). <p>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.</p>

Organisations/individuals (Submission No.)	Views received by (date of submission)	Proposed models forming the Legislative Council by universal suffrage
<p>Democratic Party (02 and 16)</p>	<p>Panel (Submission dated May 2006)</p> <p>Task Force (Submission dated 25 May 2005)</p>	<p>All LegCo Members to be returned by universal suffrage. The 60 LegCo seats to be divided into two groups.</p> <p>The first group (with 30 seats) to be returned by a “single seat, single vote” system. Hong Kong will be divided into 30 constituencies based on population ratio.</p> <p>Another group of seats to be returned by a proportional representation system on a territory-wide basis so as to enhance balanced participation and provide opportunities for business, professional and other small sectors of society to participate in politics. In other words, each elector will have two votes for electing LegCo Members.</p>
<p>Hong Kong Christian Institute (17)</p>	<p>Panel (Submission dated 11 February 2000)</p> <p>Subcommittee (Submission dated 12 November 2005)</p>	<p>All 60 Members to be returned by GCs under a “one person, one vote” and a simple majority system.</p>

Organisations/individuals (Submission No.)	Views received by (date of submission)	Proposed models forming the Legislative Council by universal suffrage
<p>Hong Kong University Graduates Association Political Reform Concern Group (04)</p>	<p>Panel (Submission dated September 2004)</p> <p>Task Force (Submission dated September 2004)</p>	<p>First phase: 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.</p> <p>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.</p> <p>Increase the membership of LegCo.</p>
<p>Mr KY SHAW (18)</p>	<p>Panel (Submission dated 14 February 2000)</p>	<p>LegCo Members to be elected on a GC basis. The delineation of GC boundaries is open to discussion, and the number of seats in a GC should be in direct proportion to the population of the GC.</p>
<p>Association for the Advancement of Feminism (14)</p>	<p>Subcommittee (Submission dated 9 November 2005)</p>	<p>Abolish FCs.</p> <p>All Members to be elected by way of direct elections on the basis of GCs.</p>
<p>CHAN Wai-yip (06)</p>	<p>Task Force (Submission dated 15 October 2004)</p>	<p>Abolish FC seats.</p> <p>Increase the number of LegCo seats to 90. Hong Kong to be divided into 45 GCs, with two seats in each GC. Every elector can cast two votes for two candidates. The two candidates receiving the highest number of votes in a constituency will be elected.</p>

Organisations/individuals (Submission No.)	Views received by (date of submission)	Proposed models forming the Legislative Council by universal suffrage
Rita FAN (07)	Task Force (Submission dated 27 September 2004)	<p>The current arrangement under which Members are returned by FCs can be replaced by a new arrangement whereby Members will be nominated by the constituents of FCs and elected by universal suffrage. This new arrangement can be implemented for the 30 FC Members by three batches over three phases. This arrangement can ensure balanced participation of different sectors of society in LegCo.</p> <p>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.</p>
Hong Kong Democratic Foundation and Power for Democracy (08)	Task Force (Submission dated 13 February 2004)	All seats in LegCo to 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 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.
Joint Committee for the Promotion of The Basic Law of Hong Kong (09)	Task Force (Submission dated 21 October 2004)	FC Members to be elected by “one person, one vote”.

Organisations/individuals (Submission No.)	Views received by (date of submission)	Proposed models forming the Legislative Council by universal suffrage
Eric K C LI (10)	Task Force (Submission dated 1 April 2004)	<p>First phase: add 30 more GC seats and maintain the 30 FC seats.</p> <p>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.</p> <p>Final phase: all 90 seats open for universal suffrage.</p>
SynergyNet (11)	Task Force (Submission dated 13 February 2004)	<p>The number of LegCo seats to be increased to 90. All Members to be elected by universal suffrage, and through three different ways to ensure wide representation of LegCo:</p> <ol style="list-style-type: none"> a. 30 members to be directly elected from single-seat GCs, using the “first-past-the-post” principle; b. 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. Depending on the percentage of votes received by each list, the seats for each region (which vary according to population size) will be apportioned accordingly; and c. 30 members to come from defined functional sectors (similar to existing FCs), to be elected by universal suffrage. This can be done in two ways:

Organisations/individuals (Submission No.)	Views received by (date of submission)	Proposed models forming the Legislative Council by universal suffrage
		<ul style="list-style-type: none"> (i) turn all FCs into “occupational constituencies” so that each member of the public will belong to one of these constituencies and can take part in the election of his functional/occupational representative; or (ii) nomination of candidates by recognised bodies of the defined functional sectors (such as business and commerce chambers, trade unions and professional societies); and election by universal suffrage.
<p>Dr Simon YOUNG (19)</p>	<p>Task Force (Submission dated January 2005)</p>	<p>All legislators to be elected by direct elections on the basis of GCs.</p> <p>Among the elected legislators, a sub-group to 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.</p>

B. Bicameral system

Organisations/individuals (Submission No.)	Views received by (date, if applicable)	Proposed models forming the Legislative Council by universal suffrage
Shatin Tertiary Students' Association (20)	Subcommittee (submission to meeting on 12 November 2005)	Explore the possibility of implementing a bicameral legislature. Universal suffrage could take the form of direct or indirect election.
Hong Kong Civic Association (21)	Task Force (Submission dated 12 January 2004)	Consider a bicameral legislature consisting of a House of Representatives (i.e. the Lower House) and a Senate (i.e. the Upper House). The House of Representatives to be elected on a GC basis, at a ratio of one representative for every 120 000 to 150 000 residents, for a four-year term of office. The Senate could have between 40 to 50 members, about one-quarter 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 four and six years, with half of the Senate seats coming up for election every two to three years.

Organisations/individuals (Submission No.)	Views received by (date, if applicable)	Proposed models forming the Legislative Council by universal suffrage
The Business and Professionals Federation of Hong Kong (22)	Task Force (Submissions dated 18 and 24 May 2005)	<p>The first chamber to be constituted by directly-elected members, and the second chamber for the vocational or functional representatives.</p> <p>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.</p> <p>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 their deliberations back to the first chamber.</p>

Note: The above information is extracted from the submissions to the Panel on Constitutional Affairs (Panel), the Subcommittee to Study the Administration's Proposals for the Methods for Selecting the Chief Executive in 2007 and for Forming the Legislative Council in 2008 (Subcommittee) and the Constitutional Development Task Force (Task Force).

INFORMATION NOTE

Summary of Electoral Systems in Selected Places

1. Electoral systems

1.1 The Panel on Constitutional Affairs, at its meeting on 20 February 2006, requested the Research and Library Services Division (RLSD) to provide a summary of electoral systems in selected places based upon the research papers previously issued by RLSD.¹ This note provides updated information on the election/selection of the legislature, head of state and head of government in Singapore, New Zealand, Germany, the United Kingdom, Japan, France and the United States.

¹ The relevant research papers are listed as follows:

- (a) Systems of Government in Some Foreign Countries: Singapore (RP03/99-00);
- (b) Systems of Government in Some Foreign Countries: New Zealand (RP04/99-00);
- (c) Systems of Government in Some Foreign Countries: Germany (RP05/99-00);
- (d) Systems of Government in Some Foreign Countries: The United Kingdom (RP06/99-00);
- (e) Systems of Government in Some Foreign Countries: Japan (RP07/99-00);
- (f) Systems of Government in Some Foreign Countries: France (RP08/99-00);
- (g) Systems of Government in Some Foreign Countries: The United States (RP09/99-00);
- (h) Systems of Government in Some Foreign Countries: The Overall Comparison Table (RP10/99-00); and
- (i) The Selection of Head of State and Head of Government in Selected Places (IN11/03-04).

Table 1 — Composition and characteristics of the legislature

Country	Name of House	Total membership	Type of membership	Features of electoral and appointment system
Singapore Population: 4 351 000	Parliament of Singapore.	94.	(1) Elected Members of Parliament (MPs). (2) Appointed MPs: • Non-Constituency MPs; and • Nominated MPs.	<ul style="list-style-type: none"> Elected MPs – elected from single-member constituencies and group representation constituencies (GRCs). In GRCs, political parties field a team of three to six candidates. At least one candidate in the team must belong to a minority race. Non-Constituency MPs – three Members (or up to a maximum of six) are appointed from among unsuccessful opposition candidates who have the highest percentage of votes in their respective constituencies. The number of Non-Constituency MPs is reduced by one for each opposition party candidate returned in the general election. Nominated MPs – up to nine Members are appointed for a term of two and half years² by the President on the recommendation of a Special Select Committee of Parliament.
New Zealand Population: 3 820 000	House of Representatives.	About 120.	All elected.	<ul style="list-style-type: none"> Slightly more than half of 120 (depending on the population distribution) are elected from geographical electorates on a first-past-the-post basis, the remainder is chosen from party lists. Each voter has two votes – one for an electorate vote and the other for a party. A party is not entitled to any list MPs unless it wins either 5% of the "party votes" or at least one electorate seat.
Germany Population: 82 430 000	Bundesrat (Federal Council).	69.	All appointed.	<ul style="list-style-type: none"> Appointed by the 16 state governments. Member's terms are not fixed, but are determined by the state governments.
	Bundestag (Federal Parliament).	At least 598.	All elected.	<ul style="list-style-type: none"> 299 members are elected in district constituencies and a further 299 via lists of candidates drawn up by political parties in each federal state. Each voter casts two votes – the first for a constituency candidate and the second for a party list. A party has to win at least 5% of the votes cast or three constituency seats to be represented proportionally.

² The maximum term of any one Parliament is five years.

Table 1 — Composition and characteristics of the legislature (cont'd)

Country	Name of House	Total membership	Type of membership	Features of electoral and appointment system
The United Kingdom Population: 59 834 000	House of Lords.	About 700.	About 600 life peers, 12 Law Lords, 92 hereditary peers, 26 archbishops and bishops.	<ul style="list-style-type: none"> Life peers are appointed by the Monarch. 75 hereditary peers are elected by political parties, 15 are elected by the whole House, and two are royal office holders.
	House of Commons.	646.	All elected.	<ul style="list-style-type: none"> MPs are elected in single-member constituencies on a first-past-the-post basis.
Japan Population: 127 435 000	House of Councillors.	252.	All elected.	<ul style="list-style-type: none"> 100 members are elected by proportional representation from one nationwide electoral district, and 152 are elected from 47 prefectural constituencies. Each voter casts two votes, one under the voter's electoral district, and the other under the proportional representation system.
	House of Representatives.	480.	All elected.	<ul style="list-style-type: none"> 300 members from single-seat districts. 180 members are elected by proportional representation in which the country is divided into 11 electoral blocs. Similar to the election of the House of Councillors, each voter casts two votes.
France Population: 61 400 000	Senate.	321 ³ .	All elected.	<ul style="list-style-type: none"> Senators are elected by approximately 150 000 representatives of local administrative councils and deputies of the National Assembly.
	National Assembly.	577.	All elected.	<ul style="list-style-type: none"> Deputies are elected in single member constituencies through a "two rounds" system⁴.
The United States Population: 285 669 915	Senate.	100.	All elected.	<ul style="list-style-type: none"> Two Senators per state. Almost all states use the first-past-the-post system.
	House of Representatives.	435.	All elected.	<ul style="list-style-type: none"> Single-member district system. Each state is represented in the House proportional to its population, and each state is entitled to at least one Representative.

³ The number of senators will progressively increase to 346 in 2010 in order to reflect changes in the French demographics.

⁴ If no single candidate receives an absolute majority of the votes cast as well as obtaining votes of more than 25% of registered voters on the first ballot, candidates that obtain more than 12.5% of the votes of registered voters are placed on the second ballot. Whoever receives the most votes on the second ballot is declared elected.

Table 2 — Selection of head of state and head of government

Country	Selection of head of state	Selection of head of government
Singapore	<ul style="list-style-type: none"> • The President is directly elected by a simple majority vote. Both voter registration and voting are compulsory. • A Presidential candidate must satisfy the Presidential Elections Committee that he is a person of integrity, good character and reputation. The candidate is required to have top management experience in government agencies or large Singapore companies and no membership of any political party on the date of his nomination for election. 	<ul style="list-style-type: none"> • The Prime Minister is appointed by the President and must be regarded as being likely to command the confidence of the majority of MPs. • The Prime Minister must be an MP.
New Zealand	<ul style="list-style-type: none"> • The Monarch of the United Kingdom is the head of state. • The Governor-General is appointed by the Monarch of the United Kingdom, on the advice of the government, to be the personal representative of the head of state. 	<ul style="list-style-type: none"> • The Prime Minister is appointed by the Governor-General. • In making the appointment, the Governor-General, by convention, accepts the outcome of the electoral process and subsequent discussions among political parties as to which party or group of parties is to govern the country and the internal decision of that party or group of parties as to who is to lead the government.
Germany	<ul style="list-style-type: none"> • The President is elected by an absolute majority of the votes cast by members of the Federal Convention which comprises all Bundestag Members and an equal number of delegates elected by local parliaments. If, after two votes, no single candidate has received this level of support, in the third and final vote, the candidate endorsed by a plurality of votes cast is deemed elected. • The Presidential candidate must not be a member of the government or a federal or state parliament. 	<ul style="list-style-type: none"> • The Chancellor is nominated by the President and elected by an absolute majority of all Bundestag Members. • If the nominee of the President is not elected, the Bundestag may elect its own nominee within 14 days. If no one is elected within this period, the Bundestag will attempt an election. The President must appoint the person with the majority vote. If the person with the highest number of votes does not have a majority, the President may either appoint him or call new elections for the Bundestag. • The Chancellor is not required to be a member of the legislature.

Table 2 — Selection of head of state and head of government (cont'd)

Country	Selection of head of state	Selection of head of government
The United Kingdom	<ul style="list-style-type: none"> The Monarch is selected among members of the Royal Family according to a line of succession. 	<ul style="list-style-type: none"> The Prime Minister is appointed by the Monarch and must be regarded as an individual the most likely to maintain the support of the House of Commons. Usually, the Prime Minister is the leader of the party which has a majority in that House.
Japan	<ul style="list-style-type: none"> The Emperor ascends the Imperial Throne which is dynastic and succeeded to in accordance with the Imperial House Law passed by the Diet⁵. 	<ul style="list-style-type: none"> The Prime Minister, who must be a civilian, is appointed by the Emperor of Japan after being designated by the Diet from among its members, and must enjoy the confidence of the House of Representatives to remain in office. In designating the Prime Minister, each House of the Diet conducts a ballot under the run-off system⁶. If the two Houses choose different individuals, then a joint committee of both Houses is appointed to agree on a common candidate. If the two Houses do not agree within 10 days, the decision of the House of Representatives is deemed to be that of the Diet.
France	<ul style="list-style-type: none"> The President is directly elected by an absolute majority of the votes cast in a universal suffrage. If an absolute majority is not obtained on the first ballot, the top two candidates on the first ballot will stand for election on the second ballot. A Presidential candidate must have the public endorsement of at least 500 local and national representatives. Both voter registration and voting are not compulsory. 	<ul style="list-style-type: none"> The Prime Minister is appointed by the President. Since the National Assembly can, by a vote of censure, force the resignation of the government, the choice of Prime Minister must reflect the majority in the Assembly. The Prime Minister cannot be a National Assembly Deputy or a Senator.

⁵ The National Diet of Japan is Japan's legislature. It consists of two houses: the House of Representatives and the House of Councillors.

⁶ It is a voting system that ensures a winning candidate will receive an absolute majority of votes rather than a simple plurality.

Table 2 — Selection of head of state and head of government (cont'd)

Country	Selection of head of state	Selection of head of government
The United States	<ul style="list-style-type: none"> • As both the head of state and the head of government, the President is elected by an absolute majority of votes cast by an electoral college which has 538 electors who, mostly nominated by parties and/or pledged to particular presidential tickets, are directly elected by voters under the "winner-takes-all" system in all but two states.⁷ If no candidate gains an absolute majority, the election is decided by the House of Representatives, with all Representatives of a state voting as a unit (i.e. each state has one vote). • The President must be a natural-born citizen of the United States, be at least 35 years old, and have been a resident of the United States for 14 years. 	

Prepared by CHAU Pak-kwan
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 Tel: 2869 9593

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⁷ The two states are Nebraska and Maine which adopt the system based on proportional allocation of votes.

Models for selecting the Chief Executive and forming the Legislative Council by universal suffrage

Relevant papers/documents

LC Paper No.	Papers/Documents
<u>Minutes of meetings of the Panel on Constitutional Affairs</u>	
CB(2)1684/99-00	-- Minutes of meeting on 21 February 2000
CB(2)1798/99-00	-- Minutes of special meeting on 4 March 2000
CB(2)1677/05-06	-- Minutes of special meeting on 19 February 2005
CB(2)1398/05-06	-- Minutes of meeting on 16 January 2006
CB(2)2226/05-06	-- Minutes of meeting on 21 April 2006
<u>Minutes of meetings of the Subcommittee to Study the Administration's Proposals for the Methods for Selecting the Chief Executive in 2007 and for Forming the Legislative Council in 2008</u>	
CB(2)1420/05-06	-- Minutes of meeting on 12 November 2005
<u>Research Report</u>	
RP03-09/99-00	-- Research Reports on Systems of Government in Some Foreign Countries : Singapore, New Zealand, Germany, The United Kingdom, Japan, France, The United States
RP10/99-00	-- The Overall Comparison Table on Systems of Government in Some Foreign Countries
IN11/03-04	-- Information Note on "The Selection of Head of State and Head of Government in Selected Places"
IN16/03-04	-- Information Note on "Functional Representation in Ireland, Slovenia and France"

- IN19/05-06 -- Information Note on "Summary of Electoral Systems in Selected Places"
- IN24/05-06 -- Information Note on "Functional Representation in Ireland and Slovenia"
- IN25/05-06 -- Information Note on "Compliance of the Electoral System of the Legislature with the International Covenant on Civil and Political Rights: New Zealand"
- FS14/05-06 -- Fact Sheet on "Nationality Requirement of Legislators in Selected Countries"

Papers provided by the Administration

The First Report of the Constitutional Development Task Force : Issues of Legislative Process in the Basic Law Relating to Constitutional Development

The Second Report of the Constitutional Development Task Force : Issues of Principle in the Basic Law Relating to Constitutional Development

The Third Report of the Constitutional Development Task Force : Areas which may be Considered for Amendment in respect of the Methods for Selecting the Chief Executive in 2007 and for Forming the Legislative Council in 2008

The Fourth Report of the Constitutional Development Task Force : Views and Proposals of Members of the Community on the Methods for Selecting the Chief Executive in 2007 and for Forming the Legislative Council in 2008

The Fifth Report of the Constitutional Development Task Force : Package of Proposals for the Methods for Selecting the Chief Executive in 2007 and for Forming the Legislative Council in 2008

- CB(2)1745/05-06(02) -- Method for Selecting the Chief Executive by Universal Suffrage and Review of the Chief Executive Election Ordinance
- CB(2)1971/05-06(02) -- Discussion regarding the formation of the Legislative Council by universal suffrage

Papers for the Committee on Governance and Political Development (CGPD) under the Commission on Strategic Development (CSD)

CGPD's meeting on 29 November 2005

- CB(2)519/05-06(01) -- An Overview of the Political Structure of the Hong Kong Special Administrative Region
- CB(2)519/05-06(02) -- A Preliminary Study on the Methods to be Adopted for Selecting the Chief Executive and for Forming the Legislative Council when Universal Suffrage is Attained and Related Issues

CGPD's meeting on 20 January 2006

- CB(2)913/05-06 -- Strategic Issues to be Discussed
- CB(2)913/05-06 -- Constitutional Basis of Basic Law Provisions Regarding "Universal Suffrage"
- CB(2)913/05-06 -- General Understanding on the Concept of "Universal Suffrage"

CGPD's meeting on 28 February 2006

- CB(2)1307/05-06 -- Paper for the workshop organised by the Secretariat to CSD and the Constitutional Affairs Bureau on "Adoption of the Principles of Universal Suffrage and Balanced Participation – Practices in Some Democratic Countries"

CGPD's meeting on 24 March 2006

- CB(2)1519/05-06 -- Provisions in the Basic Law concerning the Capitalist Economy
(Paper Ref: CSD/GC/4/2006)
- CB(2)1519/05-06 -- Public Finance Policy and Financial Position of the HKSAR
(Paper Ref: CSD/GC/5/2006)
- CB(2)1519/05-06 -- Summary of the views expressed at the first meeting on 29 November 2005
- CB(2)1519/05-06 -- Summary of the views expressed at the second meeting on 20 January 2006

- Summary of the views expressed at the workshop organised by the Secretariat to CSD and the Constitutional Affairs Bureau on 28 February 2006

CGPD's meeting on 26 May 2006

- CB(2)2112/05-06 -- Summary of the views expressed at the third meeting on 24 March 2006
- CB(2)2317/05-06 -- Conclusions on Discussions on the Concepts and Principles Relating to Universal Suffrage
(*Paper Ref: CSD/GC/6A/2006*)