

**Summary of the views expressed at
the Sixth Meeting of
the Committee on Governance and Political Development
of the Commission on Strategic Development
held on 22 September 2006**

(Translation)

The Chairman welcomed Members to the sixth meeting of the Committee.

Matters arising from the last meeting

Workshop on the consultation document on further development of the political appointment system

2. Members noted that the Secretariat would organize a workshop on the consultation document on further development of the political appointment system on 25 September 2006.

Workshops on possible models for selecting the Chief Executive by universal suffrage

3. At the fifth meeting of the Committee, it was agreed that Members should continue to examine the details of individual proposals on possible models for selecting the Chief Executive by universal suffrage, particularly the composition of the Nominating Committee, the method of nomination etc. The Secretariat had organized the first workshop on possible models for selecting the Chief Executive by universal suffrage on 14 September 2006. The second workshop would be held on 3 October 2006. The Secretariat had already informed Members of the detailed arrangements.

Discussion on possible models for forming the Legislative Council by universal suffrage

4. Before discussion, the Chairman made the following remarks about the issue of forming the Legislative Council by universal suffrage:

- (a) The SAR Government had been handling the issue of constitutional development seriously, and in strict accordance with the requirements of the Basic Law. Regardless of

which model for universal suffrage was to be adopted, it should conform to the requirements of the Basic Law. While the SAR Government was fully alive to the public's aspirations for universal suffrage, Hong Kong's constitutional development had to be promoted in a pragmatic manner so that a consensus could be reached within the community. The consensus would provide the required basis for constitutional developments to be taken forward pragmatically in accordance with the Basic Law.

- (b) Regarding the election of the Legislative Council, 30 out of the 60 Legislative Council seats were currently returned by functional constituencies. As any amendment to the election method for the Legislative Council required the endorsement of a two-thirds majority of all the members of the Legislative Council, this meant in practice that the endorsement and support of members returned by functional constituencies as well as those returned by geographical constituencies through direct elections would be required. The Committee had an important duty to do its best to identify a model for universal suffrage that would have addressed the special needs, aspirations and historical background of Hong Kong, as well as the interests of the various sectors. To this end, Members had to consider the principles stipulated in the Basic Law, such as "balanced participation", and the role which the functional constituencies had been playing.
- (c) The SAR Government did not have any established position on the models for forming the Legislative Council by universal suffrage.

5. Regarding possible models for forming the Legislative Council by universal suffrage, Members expressed the following views.

- (a) *To return all seats by geographical constituencies through direct elections and to abolish all functional constituency seats.*

6. A member proposed that all seats should be returned by geographical constituencies through direct elections, with half of the seats returned by a "single seat single vote" system on a district basis, and the

other half by a proportional representation system, under which the whole of Hong Kong would form a single constituency. He was not inclined to support the idea of having all seats returned by geographical constituencies through direct elections. He considered that individual constituencies were too small to return members of broad vision and this would not be conducive to the operation of the Legislative Council. Another Member supported the above proposal, maintaining that it could balance the interests of different districts through a “single-seat-single-vote” system on one hand, and ensure the representation of different sectors and political parties/groups in the Legislative Council through a proportional representation system on the other.

7. A Member took the view that instead of adopting some complicated models for universal suffrage (for example, functional constituencies to nominate candidates for election by universal suffrage), we should consider abolishing functional constituency seats completely as he considered functional constituencies should not exist at all in the ultimate model for universal suffrage. However, a Member had reservation against this proposal for reasons which included the following:

- (a) Given that any amendment to the electoral methods specified in the Annexes to the Basic Law required the endorsement of a two-thirds majority of all the members of Legislative Council, it would not be possible to secure sufficient support in Legislative Council for a proposal to abolish all functional constituency seats.
- (b) As opinion polls had indicated that the public did not object to retaining the functional constituency seats, complete abolition at one go would not be necessary. Pointing out that it might be more difficult for the business sectors to win seats through direct elections, he proposed that all functional constituency seats be phased out over three terms of the Legislative Council.
- (c) At the current early stage of political development in Hong Kong, abolishing all functional constituency seats could not meet the interests of different sectors of society.

(b) To return seats by geographical constituencies through direct elections, and to preserve functional constituency seats. However, the functional constituency seats would not continue to be returned by the existing election method.

8. As to how the election method for functional constituency seats should be amended to achieve universal suffrage, different proposals were discussed.

(i) To include voters who are currently not entitled to vote at functional constituencies in the functional constituencies

9. Some members proposed including voters who were currently not entitled to vote at functional constituencies in the functional constituencies. In other words, each voter would elect Legislative Council Members on the basis of “one-person-two-votes”: one vote to return directly elected geographical constituency Members, and the other to return functional constituency Members. As long as every voter would be entitled to vote for functional constituency Members, the principles of universal and equal suffrage would be complied with.

10. Another Member opined that it was politically impossible to abolish all functional constituency seats at one go. He suggested to first expand the electorate base of functional constituencies, (e.g. by adding new sectors for housewives, retirees and students etc) and to phase out the functional constituency seats thereafter.

11. A Member suggested that the democratic element of the Legislative Council election could be progressively enhanced by phases on the basis of the current arrangements. One possibility was to increase the proportion of geographical constituency seats and expand the electorate base of functional constituencies in 2012, and to abolish the functional constituency seats by phases thereafter. He proposed that, in the first phase, consideration could be given to re-delineate the electorate of the functional constituencies and to include all voters in the functional constituencies, who would then be entitled to vote in their respective functional constituencies. In the second phase, voters could be allowed to vote in all functional constituencies to ensure that functional constituency candidates would have to safeguard both sectoral and public interests. Elections conducted in such a way would contain an element of universal suffrage. Functional constituency seats could be abolished only in the third phase,

and all Legislative Council Members could then be elected by “one-person-one-vote”. Some members expressed the view that this proposal could be further considered.

(ii) To allow members of functional constituencies to nominate candidates for election by universal suffrage

12. A Member supported this proposal, maintaining that it could ensure candidates would not only look after the interests of individual sectors, but would also strive to gain the support of the community at large. This would be consistent with the principles of universal suffrage and balanced participation.

13. In relation to this proposal, some Members highlighted the following issues for further examination:

- (a) Whether the proposal was practicable. For example, if every voter could cast one vote to return directly elected geographical constituency Members and multiple votes to return 30 functional constituency Members, this would mean that each voter would have 31 votes. The voting system might be too complicated for voters. Moreover, voters might tend to vote only in those functional constituencies which were more familiar to them. Hence, there could be great disparity in the number of votes received by Members elected in different functional constituencies, and candidates might be returned by a low number of votes in some constituencies.

A member, however, suggested that a decision should first be made as to whether the proposal could comply with the principle of universal suffrage before looking into the specific arrangements. If it was decided to adopt the proposal, consideration could be given to merging the existing functional constituencies into several groups for election by a list system.

- (b) In the election of functional constituency Members by universal suffrage, candidates would likely rely on the support of political parties. Hence, the election results would hinge on the degree of people’s acceptance of the

political parties, and might not necessarily reflect the preference of different sectors.

- (c) As the proposal would restrict voters' right to nominate, it could not be regarded to be consistent with the principles of universal and equal suffrage. At most, it could only be a transitional arrangement. When the political pre-conditions in Hong Kong were ready, Legislative Council Members should ultimately be elected on a "one-person-one-vote" basis.

(c) *To implement a bicameral system.*

14. A Member opined that a bicameral system was an appropriate model for universal suffrage because it could meet the interests of the sectors and the Central Authorities and therefore stood a greater chance of being accepted by functional constituency members. Besides, forming the lower house by universal suffrage would be consistent with the principle of universal suffrage. From the legal perspective, the Legislative Council could still be regarded as a single legislature, and no amendment to the principal provisions of the Basic Law should be necessary.

15. A Member considered that a bicameral system should be put in place as a transitional arrangement before attaining the aim of forming the Legislative Council by universal suffrage. Through providing the lower house returned by universal suffrage with more power, functional constituency Members would have an incentive to participate in elections by universal suffrage. To implement this model, it would be sufficient to amend only Annex II to the Basic Law concerning the procedures for voting on bills and motions in Legislative Council. For example, by requiring bills introduced by Government to get passed both chambers could achieve the effect similar to a bicameral system without the need to amend the principal provisions of the Basic Law. If and when the lower house performed in a mature manner and established partnership with the executive-led government, universal suffrage could then be implemented.

16. A Member supported the implementation of a bicameral system as a medium to long-term transitional arrangement, maintaining that this would enable elites from different sectors to continue to make contribution. If the proposal was considered worth discussion by the community, as long as the ultimate aim of universal suffrage was upheld, amendment to the Basic Law could be made with due regard to the situation of Hong Kong.

17. However, some Members had reservation about the implementation of a bicameral system, and there were views that discussion about this proposal should be suspended for the time being for reasons which included the following:

- (a) The implementation of a bicameral system would entail complicated procedures. Not only would it involve amendments to Annex II to the Basic Law, the principal provisions of the Basic Law might also need to be amended. If the proposal was meant to be only a transitional arrangement, it would not be worth the effort politically. On the other hand, if it was meant to be the ultimate model, it might not be consistent with the principle of universal suffrage.
- (b) A bicameral system assumed that directly elected geographical constituency Members could not safeguard the interests of the Central Authorities or different sectors in the community. This would only divide the members of the two chambers and undermine their communication. Moreover, under a bicameral system, bills and motions introduced by the Government would need to be passed by both houses. This would add to the difficulties in getting bills and motions passed, and undermine governance and the efficiency of the executive authorities.
- (c) From the legal perspective, a bicameral system did not meet the requirement specified in Article 68 of the Basic Law, which provided for “the election of all members of Legislative Council by universal suffrage”. The implementation of a bicameral system would necessitate amendment to the Basic Law. However, in view of the political reality, it would be difficult to forge a consensus within the community on making amendment to the Basic Law.

Transitional Arrangements

18. A Member expressed the view that while consideration could be given to putting in place transitional arrangements before attaining the

ultimate aim of universal suffrage, it was imperative that an ultimate model for universal suffrage and a timetable for implementing universal suffrage were first determined. Only by so doing could the arrangements be implemented in an orderly manner during the transitional period, and disputes within the community minimized.

Conclusion

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

- (a) Regarding possible models for forming the Legislative Council by universal suffrage, Members had a broad consensus that the method for forming the Legislative Council should be in accordance with the Basic Law. It should be devised in the light of the actual situation in the Hong Kong SAR and in accordance with the principle of gradual and orderly progress. The ultimate aim was the election of all the members of the Legislative Council by universal suffrage.
- (b) Members put forward a number of detailed proposals on possible models for forming the Legislative Council by universal suffrage. There was a proposal to return all Legislative Council seats by geographical constituencies through direct elections and to abolish all functional constituency seats. Some Members, however, pointed out that functional constituency members had significant contribution to the community and worried that directly elected members might not be able to reflect the concerns of the sectors. A consensus had yet to be reached on the issue.
- (c) There was a proposal to return seats by geographical constituencies through direct elections and to preserve functional constituency seats in a particular manner. However, the functional constituency seats should not be returned by the existing election method so as to avoid contradicting the ultimate aim of electing all Legislative Council members by universal suffrage. One of the proposed methods was to allow functional constituency members to nominate candidates for election by universal

suffrage. Technical issues like method of nomination would need further discussion.

- (d) Members put forward different views regarding the proposal of implementing a bicameral system. Some Members considered that the proposal might not necessarily be the ultimate implementation of universal suffrage. A Member considered that since a bicameral system would better guarantee the reflection of interests of different sectors of society in the legislature, it warrants further consideration in the context of universal suffrage.

However, Members were generally not inclined to support a bicameral system as they considered that it would entail amendment to the Basic Law. Besides, it has operational difficulties and might contravene the principle of universal suffrage. Though there were views in support of further examination of this option, Members were in general doubtful about this option.

A workshop would be organised by the Secretariat on 6 November 2006 when Members might further discuss possible models for forming the Legislative Council by universal suffrage. It was proposed that the Business and Professionals Federation of Hong Kong be invited to participate in the workshop again. Members would have another opportunity to discuss thoroughly the issue before deciding whether to continue discussions on bicameral system.

Whether the implementation of a bicameral system would necessitate amendment to the Basic Law was too complicated an issue to have a definite answer, even if legal advice had been sought.

- (e) He suggested that the Committee should continue to discuss the specific details of possible models for forming the Legislative Council by universal suffrage, in particular specific issues such as how the system of the Legislative Council and functional constituencies should evolve.

- (f) The Government aimed to conclude the discussions of the Committee and prepare a report next year. The report would be submitted to the Central Authorities and made public. If the Committee had not reached a consensus on the roadmap for universal suffrage by then, it was hoped that the report would provide a clear way forward to serve as the basis for further consideration of the related issues. It was hoped that Members would adopt an accommodating attitude and be prepared to make compromises so as to come up with a proposal acceptable to all the parties concerned.

20. The Chairman informed Members that the next meeting would be held on 23 November (Thursday).

21. The attendance list is attached at Annex.

Secretariat to the Commission on Strategic Development
November 2006

策略發展委員會
管治及政治發展委員會第六次會議
2006年9月22日

Sixth Meeting of
the Committee on Governance and Political Development
of the Commission on Strategic Development
22 September 2006

出席人士

Attendance List

主席 :

Chairman :

The Chief Executive

行政長官

官方委員 :

Official Members :

Head, Central Policy Unit

中央政策組首席顧問

Director, Chief Executive's Office

行政長官辦公室主任

非官方委員 :

Non-Official Members :

Mr CHAN Chung-bun, Bunny, B.B.S., J.P.

陳振彬先生, B.B.S., J.P.

Mr CHAN Tak-lam, Norman, S.B.S., J.P.

陳德霖先生, S.B.S., J.P.

Mr CHAU How-chen, G.B.S., J.P.

周厚澄先生, G.B.S., J.P.

Prof CHEN Hung-ye, Albert, J.P.

陳弘毅教授, J.P.

Mr CHEN Nan-lok, Philip, S.B.S., J.P.

陳南祿先生, S.B.S., J.P.

Prof CHENG Kwok-hon, Leonard

鄭國漢教授

Mr CHEUNG Chi-kong

張志剛先生

Ms CHOW, Wendy

周君倩女士

Mr CHOW Yick-hay, B.B.S., J.P.

周奕希先生, B.B.S., J.P.

Mr CHOW Yung, Robert, B.B.S.

周融先生, B.B.S.

Ms FONG, Janie

方文靜女士

Mr FUNG, Daniel R., S.B.S., J.P.

馮華健先生, S.B.S., J.P.

Mr HOO, Alan, S.B.S., J.P.

胡漢清先生, S.B.S., J.P.

Ms KO Po-ling, M.H.

高寶齡女士, M.H.

Prof KUAN Hsin-chi
Mr LAU Nai-keung
The Hon LEE Cheuk-yan
The Hon LEE Wing-tat
Dr LEUNG Mei-fun, Priscilla
Mr LIE-A-CHEONG Tai-chong, David, J.P.
Dr LO Chi-kin, J.P.
Mr LUI Tim-leung, Tim, J.P.
Mr MOK Hon-fai
Mr NG Sze-fuk, George, S.B.S., J.P.
The Hon SHEK Lai-him, Abraham, J.P.
Mr SZE Chin-hung, Jerome, J.P.
Mr TAM Kwok-kiu, M.H., J.P.
Miss TAM Wai-chu, Maria, G.B.S., J.P.
The Hon TIEN Pei-chun, James, G.B.S., J.P.
Dr WANG Xiao-qiang
Mr WONG Wai-yin, Zachary
Mr WONG Ying-ho, Kennedy, B.B.S., J.P.
Mr YU Kwok-chun, G.B.S., J.P.
Dr ZHOU Ba-jun

關信基教授
劉迺強先生
李卓人議員
李永達議員
梁美芬博士
李大壯先生, J.P.
盧子健博士, J.P.
雷添良先生, J.P.
莫漢輝先生
吳仕福先生, S.B.S., J.P.
石禮謙議員, J.P.
施展熊先生, J.P.
譚國僑先生, M.H., J.P.
譚惠珠女士, G.B.S., J.P.
田北俊議員, G.B.S., J.P.
王小強博士
黃偉賢先生
黃英豪先生, B.B.S., J.P.
余國春先生, G.B.S., J.P.
周八駿博士

列席

In Attendance

Secretary for Constitutional Affairs
Permanent Secretary for Constitutional Affairs
Deputy Secretary for Constitutional Affairs (1)

政制事務局局長
政制事務局常任秘書長
政制事務局副秘書長(1)

因事未能出席

Apologies

The Hon CHEUNG Hok-ming, S.B.S., J.P.
Mr CHOW Charn-ki, Kenneth
Prof LEE Chack-fan, S.B.S., J.P.
The Hon MA Lik, G.B.S., J.P.
Mr WONG Kong-hon, S.B.S., J.P.

張學明議員, S.B.S., J.P.
鄒燦基先生
李焯芬教授, S.B.S., J.P.
馬力議員, G.B.S., J.P.
黃光漢先生, S.B.S., J.P.