

**Commission on Strategic Development  
Task Group on Constitutional Development**

**Further Discussion on  
the Method for Forming the Legislative Council in 2012**

**Introduction**

At the last meeting, members held preliminary discussion on the method for forming the Legislative Council (“LegCo”) in 2012 . This paper summarizes members’ views to facilitate further discussion in a focused manner.

2. At the last meeting, members focused discussion on the following key issues:

- (a) the number of seats in LegCo;
- (b) the delineation of the electorate of functional constituencies (“FCs”); and
- (c) whether the arrangement that 20 percent of LegCo seats may be returned by individuals who are not of Chinese nationality or who have the right of abode in foreign countries should be adjusted.

3. In the paper “Method for Forming the Legislative Council in 2012” (CSD/TGCD/3/2008), we suggested that members should take into account the following factors in discussing the method for forming LegCo in 2012:

- (i) the provisions of the Decision of the Standing Committee of the National People’s Congress (“NPCSC”) (i.e. the half-and-half ratio between members returned by FCs and members returned by geographical constituencies (“GCs”) through direct elections shall remain unchanged) must be

complied with; and

- (ii) how to further democratize the electoral method in accordance with the principle of gradual and orderly progress.

4. At the last meeting, some members suggested that, apart from the above factors, members should also take into account that the options of the electoral method for 2012 should be conducive to attaining universal suffrage, and should not limit the room for discussion and constrain further development in future.

### **Summary of Views expressed during discussion at the Last Meeting**

#### **(a) Number of Seats in LegCo**

5. At the last meeting, more members were of the view that consideration could be given to increasing the number of LegCo seats in 2012. The main reasons included:

- (i) meeting the operational requirements of LegCo, and improving the quality and efficiency of its service;
- (ii) the population-to-seat ratio of Hong Kong is relatively higher than those of overseas legislatures; and
- (iii) enabling more people to participate in politics, so as to nurture more political talent.

6. As regards the specific number of seats, more members suggested increasing the number to 70 or 80.

#### **(b) The Delineation of the Electorate of FCs**

7. If the number of LegCo seats was to be increased to 70 or 80, in accordance with NPCSC's Decision, the number of seats returned by GCs through direct elections and FCs should each be increased by 5 or 10.

8. At the last meeting, members focused discussion on how to broaden the electorate base of FCs. In this regard, the key considerations suggested by members included:

- (i) the representativeness and legitimacy of LegCo could be enhanced;
- (ii) the principle of “balanced participation” could be complied with;
- (iii) controversy within the community could be minimized.

9. If the number of FC seats was to be increased, members had put forth the following main proposals, as regards how the additional FC seats should be dealt with and how the electorate base of FCs could be broadened:

- (i) establishing new FCs;
- (ii) increasing the existing number of FC seats allocated to District Councils;
- (iii) replacing corporate votes with director’s or individual’s votes; and
- (iv) splitting or merging certain existing FCs.

(i) Establishing New FCs

10. Some members considered that if the number of FC seats was to be increased, new FCs should be established, rather than increase the number of FC seats allocated to District Councils. The major reasons included:

- (i) the nature of District Councils was different from that of other FCs as the latter were defined by the nature of occupation and sector. Increasing the number of seats allocated to the District Councils would not be entirely consistent with the principle of “balanced participation”;

- (ii) providing more opportunities for different sectors to participate in the work of LegCo at this stage could help their representatives get prepared for participating in universal suffrage in future;
- (iii) if the number of FC seats allocated to the District Councils was to be increased, the electorate base of these FC seats would duplicate with that of the new seats returned by GCs through direct elections, because the nature of District Council election was similar to that of GC, but not FC, election; and
- (iv) it might minimize controversy within the community if the newly established FC seats were to be allocated to different sectors.

11. Members had put forth different specific proposals on the establishment of new FCs, including:

- (i) Home-makers;
- (ii) Women;
- (iii) Youth;
- (iv) Retirees;
- (v) Grassroot and social groups;
- (vi) Small and medium enterprises;
- (vii) Creative industries;
- (viii) Chinese medicine practitioners and Chinese medicine industry; and
- (ix) Chinese enterprises.

(ii) Increasing the Existing Number of FC seats allocated to District Councils

12. However, some members suggested that if the number of FC seats was to be increased, the number of FC seats allocated to District Councils should be increased. The major reasons included:

- (i) given the wider electorate base of District Council members, this could enhance the democratic elements and representativeness of FCs;
- (ii) District Council members performed an important social function. Increasing the number of LegCo seats for District Council members would help nurture political talents among them;
- (iii) the proposal put forth by the Government in 2005 to allow all new FC seats to be returned through elections by District Council members from among themselves was supported by 60% of the public. Also, the HKSAR Government considered that the proposal was consistent with the principle of gradual and orderly progress, as prescribed under the Basic Law.

(iii) Replacing Corporate Votes with Director's / Association's / Individual's Votes

13. Some members suggested that consideration should be given to replacing corporate votes with director's / association's votes, so as to broaden the electorate base of FCs. However, some members suggested that the need for such arrangement for different sectors should be considered by taking into account the circumstances of individual sectors.

14. However, a member considered that replacing corporate votes with director's votes would not serve a useful purpose, as directors were appointed by the companies. A member suggested that corporate votes be replaced by individual's votes.

15. Some members considered that it would not be necessary to change the electorate base of the existing FCs, if the number of LegCo seats was to be increased. However, there were views that consideration should be given to expanding the electorate base of the FCs, rather than increasing the number of seats because the former would involve fewer changes and would unlikely attract objection among the community, and would, thus, minimize controversy.

(iv) Splitting or merging the Existing Sectors

16. A member suggested that consideration could be given to splitting some existing FCs, e.g. the Sports, Performing Arts, Culture and Publication FC.

17. However, some members considered that splitting or merging the existing sectors would be relatively more complicated and that there would not be sufficient time for the community to discuss the issue.

(c) **Whether the arrangement that 20 percent of LegCo seats may be returned by individuals who are not of Chinese nationality or who have the right of abode in foreign countries should be adjusted**

18. Members held diverse views on whether the arrangement that 20 percent of LegCo seats might be returned by individuals who were not of Chinese nationality or who had the right of abode in foreign countries should be adjusted. Some members considered that the current arrangement should be maintained. The reasons included:

- (i) this could maintain the image of Hong Kong as an international city;
- (ii) the wave of emigration had already passed and in practice, there were only very few LegCo members who were not of Chinese nationality or who had the right of abode in foreign countries; and
- (iii) this was a special arrangement under “One Country, Two Systems” to allow LegCo to attract different talents.

19. However, there were also members who considered that the concerned percentage should be gradually reduced or the arrangement should be abolished. The reasons included:

- (i) this was only a transitional arrangement. The relevant percentage should be reduced in phases and the arrangement should be abolished in the long run (particularly when universal suffrage had been implemented); and
- (ii) such an arrangement was not common among overseas legislatures.

### **Conclusion**

20. Any option of the electoral method for forming LegCo in 2012 should be formulated in accordance with NPCSC's Decision of 29 December 2007. Provided that the proposal could enhance the representativeness of LegCo and public participation, it would be able to pave way for attaining universal suffrage. We suggest that members should continue to discuss the relevant issues and, on the basis of the discussion at the last meeting, focus discussion on the following issues:

- (a) if the number of LegCo seats is to be increased, whether it should be increased to 70 or 80;
- (b) if the number of FC seats is to be increased, how should the additional FC seats be dealt with, and whether the electorate base of FCs should be broadened; and
- (c) whether (and how) the arrangement that 20 percent of LegCo seats may be returned by individuals who are not of Chinese nationality or who have the right of abode in foreign countries should be adjusted.

21. We would welcome members' views on these issues.

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