

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

**Summary of discussions on the method  
for electing the Chief Executive in 2012**

**Introduction**

The Decision adopted by the Standing Committee of the National People's Congress ("NPCSC") on 29 December 2007 makes it clear that the Chief Executive ("CE") may be elected by universal suffrage in 2017, and that after the CE is elected by universal suffrage, all members of the Legislative Council ("LegCo") may also be elected by universal suffrage in 2020. Although NPCSC's Decision stipulates that the elections in 2012 shall not be implemented by the method of universal suffrage, it provides that appropriate amendments conforming to the principle of gradual and orderly progress may be made to the two electoral methods for 2012 in accordance with the provisions of the Basic Law.

2. In accordance with NPCSC's Decision, in attaining universal suffrage, we should first deal with the issue of how the two electoral methods for 2012 should be amended. In this regard, the CE has appointed the Task Group on Constitutional Development under the Commission on Strategic Development to discuss specifically the two electoral methods for 2012 within the framework set out by NPCSC's Decision. The HKSAR Government will, in the fourth quarter of this year, consolidate options which may be considered for amending the two electoral methods for 2012 and conduct another round of public consultation as early as possible.

3. The Task Group commenced discussion on the methods for electing the CE and for forming LegCo in 2012 in February and March this year respectively. A workshop was held in May to allow members to listen to the views of various organizations and think tanks. This paper aims to summarize members' views on the method for electing the CE in 2012. This will provide a basis for the HKSAR Government to prepare the document for the next round of public consultation.

## **Method for electing the Chief Executive in 2012**

4. At previous meetings and workshop, members discussed the following key issues relating to the method for electing the CE in 2012:

- (a) size and composition of the Election Committee;
- (b) electorate base of the Election Committee;
- (c) reorganizing the subsectors; and
- (d) arrangements for nominating CE candidates.

## **General Views**

5. Members generally agreed that the Election Committee for 2012 should be transformed into the nominating committee when universal suffrage for the CE was implemented in 2017, so that the electoral arrangements in 2012 could complement those for implementing universal suffrage for the CE in 2017 and would be consistent with the Decision.

6. Some members considered that the democratic elements of the electoral method for 2012 should be enhanced significantly, which would be conducive to attaining universal suffrage. Nonetheless, various political parties should seek to build on common ground and accommodate mutual differences so as to reach consensus. Also, some members considered that the electoral method for 2012 should allow people of different political stances to participate in the election.

7. However, some members considered that substantial changes to the electoral arrangements for 2012 should not be made. The major reasons included:

- (a) as universal suffrage for the CE would be implemented by 2017, the Election Committee for 2012, which would only operate once, should not be subject to substantial changes; and
- (b) as there were only four and a half years left from now to 2012, there would not be sufficient time for the community to discuss thoroughly on any fundamental changes to be made to the electoral arrangements.

## **Size of the Election Committee**

8. In discussing the size and composition of the Election Committee in 2012, members had taken into account the following factors:

- (a) whether the requirement of “broadly representative” as set out in Annex I to the Basic Law could be complied with; and
- (b) how to enhance the representativeness and legitimacy of the Election Committee.

9. Regarding the size of the Election Committee, members focused the discussion on the following two types of options. However, they held diverse views on which option should be adopted:

- (a) forming the Election Committee by 800 members; and
- (b) forming the Election Committee by more than 800 members.

(a) Forming the Election Committee by 800 members

10. Some members considered that the size of the Election Committee should maintain at 800 members. The major reasons included:

- (a) expanding the size of the Election Committee would complicate the electoral process, which might not be beneficial to the Hong Kong community. Minimizing changes could help reduce disputes within the community; and
- (b) the electorate base of an expanded Election Committee would be no different from that with 800 members. Hence, it would not be necessary to expand the size of the Committee.

(b) Forming the Election Committee by more than 800 members

11. Some members suggested that the size of the Election Committee should be expanded. The major reasons included:

- (a) the majority of the public supported the proposal to expand the size of the Election Committee when the Government consulted the public on the package of proposals for 2007/08;

- (b) adjustment should be made to the size of the Election Committee to tie in with the development of society; and
- (c) greater public participation would enhance the representativeness and legitimacy of the Election Committee. This could allow more room and opportunities for the public to take part in the CE election.

12. Specific proposals put forth by members included increasing the number of the Election Committee members to 1000, 1200-1600 and 1800.

13. However, some members considered that the most crucial issue was the electorate base, rather than the size, of the Election Committee, which should be broadened to enhance the democratic elements of the election.

### **Composition of the Election Committee**

14. As regards the composition of the Election Committee, in discussing the relevant issues, members considered the explanation made by Mr Qiao Xiaoyang, Deputy Secretary-General of the NPCSC, in the seminar held in Hong Kong on 29 December last year, that the NPCSC's Decision "has made it clear that the nominating committee may be formed with reference to the current Election Committee, that is the basic element of forming the Election Committee by the four sectors should be preserved."

15. Members generally agreed that the Election Committee should be formed in accordance with the Basic Law and in compliance with the principle of balanced participation. In this regard, members generally agreed that the Election Committee should be formed by maintaining the current composition of four sectors.

16. On the allocation of seats among different sectors, members held diverse views:

- (a) some members suggested that the existing arrangement that the four sectors took up an equal number of seats should be maintained (e.g. to increase the number of seats of the four sectors evenly) so as to comply with the principle of balanced participation; and

(b) some members suggested that the proportion of seats among the four sectors should be adjusted. For example:

(i) The number of seats of the First, Second and Third Sector should each be increased by 200, while the Fourth Sector should include all elected District Council members.

There were, however, views that all District Council members should be included, i.e. appointed District Council members should not be excluded, while there were also views that the Fourth Sector should not include all District Council members because this would change the balance among the four sectors.

(ii) There were views that consideration could be given to increasing the proportion of members from the industrial, commercial and financial sectors to tie in with Hong Kong's economic development. However, there were views that the existing composition of the Election Committee was already slanted towards the industrial, commercial and professional sectors.

### **Reorganizing the subsectors**

17. Members held preliminary discussions on whether certain subsectors should be established, split or merged. In this regard, members expressed different views:

(a) there were suggestions that consideration should be given to establishing new subsectors, with the additional seats allocated to sectors which were currently not represented in the Election Committee. This could enhance the representativeness of the Election Committee. Specific proposals included subsectors for women, youths, small and medium enterprises, auxiliary profession, Hong Kong-Mainland trade, etc.; and

(b) there were also suggestions that certain existing subsectors should be split, for example, the sports, performing arts, culture and publication subsector should be split into two subsectors – one for sports and the other for performing arts, culture and publication.

18. However, there were also views that it would be rather controversial to establish, split or merge the subsectors. As the Election Committee to be formed in 2012 would be the last one before implementation of universal suffrage, it would not be necessary to reorganize the subsectors.

### **Electorate Base of the Election Committee**

19. Regarding the electorate base of the Election Committee, some members considered that it should be expanded, so as to enhance the representativeness of the Election Committee. As to how the electorate base should be expanded, members expressed different views:

- (a) there were views that corporate votes should be replaced with director's / executive's votes because this could broaden the electorate base of the Election Committee. Consideration could be given to limit the number of director's / executive's votes for each company and the number of votes each director / executive would be entitled to, and to require that each company could only vote in one subsector. This could ensure that the members were representative of the relevant sectors;
- (b) there were views that if corporate votes were replaced with director's / executive's / individual's votes, while the competitiveness of the relevant subsectors would be enhanced, the electorate base of other subsectors would remain unchanged. This would result in imbalance of competitiveness among different sectors of the Election Committee, which might give rise to unfairness;
- (c) as the majority of District Council members were returned by some three million voters, there were views that District Council members should be included in the Election Committee so as to broaden its electorate base; and
- (d) there were views that it would be necessary to have sufficient discussion with the relevant sectors on the broadening of electorate base. If consensus could not be reached with the relevant sectors, no changes should be made.

20. However, there were also views that as the community would not have sufficient time to discuss how the electorate base should be adjusted, it would be more appropriate to maintain the existing electorate base.

### **Arrangements for nominating CE candidates**

#### *Nomination threshold*

21. More members considered that the nomination threshold should be maintained at one-eighth of the total membership of the Election Committee because the existing requirement already allowed sufficient room for competition. There were also views that the nomination threshold should not be lower than the current level to avoid having too many candidates, which would give rise to a waste of community resources.

22. However, there were views that the nomination threshold should be lowered (e.g. to be lowered to one-tenth of the total membership) to minimize the barrier for participating in the election and to further democratize the election in 2012.

#### *Other nomination requirements*

23. There were views that an upper limit for the number of subscribers for nominating a CE candidate should be set (e.g. one-eighth or one-fourth of the total membership), which could enable more potential candidates to take part in the election. However, some members held opposing views.

24. Moreover, there were views that candidates should be required to obtain a certain number of nominations in each sector (e.g. each candidate should be required to obtain nominations from one-fourth of all members of the Election Committee, and at the same time, obtain nominations from one-fourth of members in each of the four sectors) to ensure that the candidates had a certain level of support from different sectors and strata. Also, as the candidates would not represent only one single sector, this would be consistent with the principle of meeting the interests of different sectors of society. However, there were views that this would amount to giving certain sectors a veto power, which would make it more difficult for people to take part in the election and would cause great disputes.

## **Conclusion**

25. To conclude, members' previous discussions on the method for electing the CE in 2012 are summarized below.

### Size of the Election Committee

- (a) Members generally agreed that the Election Committee for 2012 should be transformed into the nominating committee when universal suffrage for the CE was implemented in 2017.
- (b) Regarding the size of the Election Committee, some members considered that the size should remain at 800 members, while some considered that the size should be expanded (e.g. to increase to 1000, 1200-1600 or 1800 members).

### Composition of the Election Committee

- (c) Members generally agreed that the Election Committee should be formed in accordance with the Basic Law and in compliance with the principle of balanced participation. In this regard, members generally agreed that the Election Committee should be formed by maintaining the current composition of four sectors.
- (d) On the allocation of seats among different sectors, some members considered that the existing arrangement that the four sectors took up an equal number of seats should be maintained, while some considered that the proportion of seats among the four sectors should be adjusted.

### Reorganizing the subsectors

- (e) On whether certain subsectors should be established, split or merged, members had put forth different proposals and held diverse views on this issue.

### Electorate base of the Election Committee

- (f) Some members considered that the electorate base should be broadened to enhance the representativeness of the Election Committee. As to how the electorate base should be expanded, members had expressed diverse views.
- (g) However, some members considered that as the community would not have sufficient time to discuss how the electorate base should be adjusted, it would be more appropriate to maintain the existing electorate base.

### Nomination arrangements

- (h) More members considered that the existing nomination threshold should be maintained at one-eighth of the total membership of the Election Committee.
- (i) However, some members suggested that consideration should be given to lowering or increasing the nomination threshold.
- (j) Members discussed whether an upper limit or other nominating requirements should be set and held diverse views on this issue.

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