

**Summary of the views expressed at
the First Meeting
of the Task Group on Constitutional Development
of the Commission on Strategic Development
held on 28 February 2008**

(Translation)

The Convenor welcomed Members to the first meeting of the Task Group on Constitutional Development (Task Group) of the Commission on Strategic Development. He made the following points:

- (a) The Decision of the Standing Committee of the National People's Congress (NPCSC) had made clear that the Chief Executive (CE) might be elected by universal suffrage in 2017 and, after the CE had been elected by universal suffrage, all members of the Legislative Council (LegCo) might be elected by universal suffrage in 2020. At the same time, appropriate amendments conforming to the principle of gradual and orderly progress might be made to the two electoral methods for 2012.
- (b) At present, the HKSAR Government had not formed any views on how the two electoral methods for 2012 should be amended. Members could discuss the two electoral methods for 2012 within the framework set out by the Decision and complete discussions around the middle of this year. The HKSAR Government hoped to consolidate the options which might be considered for amending the two electoral methods for 2012 in the fourth quarter of 2008 and to conduct another round of public consultation as early as possible.

Issues to be Discussed at Future Meetings
(Paper Ref: CSD/TGCD/1/2008)

2. A Member opined that models for implementing universal suffrage should be discussed first and after consensus had been reached, members should then study the electoral methods for 2012 which would act as a midway station. Another Member was of the opinion that the electoral methods for 2012 and models for implementing universal suffrage in 2017 should be discussed together.

3. However, a Member pointed out that there was no necessary connection between universal suffrage in 2017 and the electoral methods for 2012, and that the two issues should not be bundled together. A Member considered that the task group should focus on studying the electoral methods for 2012. Nevertheless, there was no need to avoid discussing models for implementing universal suffrage in 2017 if the issue was touched on during discussion. In such case, members might exchange views on that issue.

4. Moreover, a Member suggested that the task group should meet more frequently to enable members to have thorough discussions on related issues. Another Member considered that there was no need for the task group to conclude the discussion by June this year. A Member pointed out that there was no need to hurry on the issue of the two electoral methods for 2012 before the formation of the fourth term LegCo in September this year.

5. In response, the Secretary for Constitutional and Mainland Affairs (SCMA) said that the Decision had made it clear that universal suffrage for the CE and the LegCo could be implemented in 2017 and 2020 respectively. At the present stage, the third term CE should first deal with issues relating to the two electoral methods for 2012. He should deal with the amendments to Annexes I and II to the Basic Law together with the fourth term LegCo around 2010. The CE elected in 2012 would then work with the fifth term LegCo on the implementation of universal suffrage for the 2017 CE election; whereas the CE elected by universal suffrage would work with the sixth term LegCo on the arrangements for implementing universal suffrage for the 2020 LegCo election. It was appropriate to deal with this issue step by step.

6. The SCMA was of the view that if the Election Committee to be formed in 2012 could be transformed into the nominating committee in 2017, the electoral arrangements in 2012 could complement those for implementing universal suffrage for the CE in 2017. To fully utilise the next four and a half years, the HKSAR Government had commenced discussions on the two electoral methods for 2012 through the Task Group and would decide after this autumn on when to conduct the next round of public consultation. The HKSAR Government hoped to forge consensus within the community through more deliberations and discussions.

7. The Convenor added that to facilitate early participation of the public in discussions on the two electoral methods for 2012, the work of the Task Group should not drag on for too long. He hoped that the discussion conclusions of the Task Group would help narrow the scope of discussion for

public consultation. He pointed out that discussion of the Task Group would be open and hoped that Members would focus on discussing the two electoral methods for 2012. However, the Administration would also listen to Members' views on the models for implementing universal suffrage.

Method for Electing the Chief Executive in 2012 - Size and Composition of the Election Committee and Nominating Arrangements
(Paper Ref: CSD/TGCD/2/2008)

General Views

8. Overall, quite a number of Members took the view that the composition of the Election Committee for 2012 should transform into the nominating committee for 2017, so that the electoral arrangements in 2012 could complement those for implementing universal suffrage for the CE in 2017.

9. A Member opined that the degree of democracy in the electoral method for 2012 should show obvious improvement over the existing basis. Another Member commented that the electoral method for 2012 should allow people with different political views to participate. A Member agreed that the constitutional system for 2012 should move forward, which would be conducive to the implementation of universal suffrage. However, various parties should seek to build on common ground and accommodate mutual differences so as to reach consensus.

10. A Member noted that the package of proposals for amending the electoral methods for the 2007 CE election and the 2008 LegCo election put forth by the Government in 2005 might be used as a basis for discussing the electoral methods for 2012. He considered the package worthy of further contemplation as it was then supported by 60 % of members of the public, and deemed by both the Central Authorities and the SAR Government to be in compliance with the principle of "gradual and orderly progress" as laid down in the Basic Law. However, a Member was of the view that if the 2005 package was put up again now, further disputes might be aroused over the question of whether all District Council (DC) members should be included into the Election Committee, thus leading to social division. There was also a Member who expressed that the package of proposals for 2012 should be more democratic than the 2005 package.

11. However, a Member opined that as the CE would be elected by universal suffrage in 2017, it might not be appropriate to introduce

substantial changes to the electoral arrangements for 2012. Another Member shared this view and remarked that given the different nature of the Election Committee and the nominating committee, the Election Committee for 2012, which was to operate only once, should not be subject to great changes. A Member was of the view that 2012 was only four and a half years from now and there would not be sufficient time for the community to have thorough deliberations on fundamental changes, if any, to the electoral arrangements. In view of this, it might be more appropriate to maintain the existing arrangements.

12. There were suggestions that the discussion of the electoral methods for 2012 should take into account the principles of gradual and orderly progress and balanced participation as stipulated in the Basic Law. The electoral methods should be acceptable to different sectors of society as well as the Central Authorities.

Size of the Election Committee

13. A Member opined that the size of the Election Committee should not be expanded as too large a membership would make the election process complicated and might not be beneficial to the Hong Kong community. Another Member agreed and remarked that with fewer changes, there would be fewer social controversies. Besides, a Member was of the view that even with a larger membership size, the Election Committee still represented an electorate base no different from the one represented by a committee of 800 members. As such, there was no need to expand the size of the Election Committee.

14. There were suggestions that the size of the Election Committee should be expanded. The major reasons included that the majority of public had supported this in 2005 when the package of proposals for 2007/08 was put forth by the Government for public consultation, and adjustment to the size of the Election Committee would be necessary in order to tie in with social development. Specific proposals included increasing the size to 1 000 members, between 1 200 and 1 600 members, and to 1 800 members.

15. However, there were views that the most pivotal issue was not the size of the Election Committee, but the electorate base, which should be broadened in order to enhance the democratic element in the election.

How the seats should be distributed among different sectors

16. Some Members suggested maintaining the existing arrangement that the four sectors took up an equal number of seats in the Election Committee so as to comply with the principle of balanced participation. A Member held the view that it was undesirable to include all DC members in the Fourth Sector, for this would upset the balance among the four sectors.

17. However, some Members proposed adjusting the proportion of seats among the four sectors. For instance, a Member suggested that the number of seats in each of the First, Second and Third Sectors be increased by 200 while all the 405 elected DC members should be included in the Fourth Sector. Another Member suggested that all DC members should be included in the Fourth Sector, i.e. appointed DC members should not be excluded.

18. In addition, a Member opined that the seats could be allocated based on the respective sectors' contribution to the gross domestic product of Hong Kong. A member expressed that consideration might be given to increasing the proportion of members from the industrial, commercial and financial sectors so as to tie in with Hong Kong's economic development, but a member objected to this proposal.

Reorganising the subsectors

19. A Member considered that on the basis of the four sectors, consideration should be given to establishing new subsectors, with the additional seats allocated to sectors which are currently not represented in the Election Committee (e.g. Women subsector, Youth subsector, Small and Medium Enterprises subsector, Auxiliary profession subsector, Hong Kong-Mainland trade subsector), so as to expand the electorate base and enhance the representativeness of the Election Committee.

20. A Member was of the view that the public would find the splitting of subsectors more easily acceptable than the merging of subsectors. A Member proposed to split the Sports, performing arts, culture and publication subsector into a Sports subsector and a Performing arts, culture and publication subsector.

21. However, a Member opined that reorganisation of subsectors was unnecessary as the Election Committee to be formed in 2012 would be the last one before universal suffrage.

Electorate Base of the Election Committee

22. Some Members considered that the electorate base should be expanded, so as to enhance the representativeness of the Election Committee.

23. As to how the electorate base should be expanded, a Member suggested that the corporate votes should be replaced with director's/executive's votes, but not individual's votes. However, another Member opposed to the idea, arguing that a director only represented himself personally and that there were cases of one individual serving as director in many different companies, which might result in unfairness. Another member raised that the process of replacing corporate votes with director's/executive's votes would be too complicated. A Member considered that if the corporate votes in some of the subsectors of the Election Committee were replaced with director's/executive's votes, the competitiveness of these subsectors would be enhanced. With the electorate base of other subsectors remaining unchanged, this would result in an imbalance of competitiveness among different sectors of the Election Committee, giving rise to potential unfairness.

24. While not objecting to the idea of expanding the electorate base, a Member considered that adequate discussion should be conducted with the relevant industry sectors. The member added that in the absence of consensus with the industry sectors, no changes should be made.

25. Noting that the method for returning members of the Election Committee might have an impact on the method for returning the functional constituency seats and might thus affect the current situation of balanced participation, a Member suggested that an approach of "resolving the simple issues before the difficult ones" should be adopted and that this issue should be dealt with later. Another Member was of the view that as the community would not have sufficient time to discuss on how the electorate base should be adjusted, it was more appropriate to maintain the existing electorate base.

Nominating arrangements for the 2012 CE election

26. Some Members considered that the nomination threshold for the 2012 CE election should be maintained at one-eighth of the total membership of the Election Committee as the existing requirements already allowed enough room for competition. A Member was of the view that the existing nomination threshold should be maintained for 2012, but consideration might be given to lowering it to one-sixteenth of the total membership of the

Election Committee when implementing universal suffrage in 2017, in order to encourage more potential candidates to stand for the election.

27. A Member opined that the nomination threshold should not be raised. On the contrary, it might even be appropriate to have it lowered in order to further democratise the election in 2012.

28. Nevertheless, a Member considered that the nomination threshold should not be lower than the current level so as to avoid having too many candidates standing for election and wasting community resources. A Member expressed that the number of candidates standing for the 2012 CE election should be limited to between 2 and 4 for the purpose of protecting the interests of different sectors and ensuring balanced participation. Each candidate should be required to obtain subscription from one-fourth of all the members of the Election Committee as well as subscription from one-fourth of the members in each of the four sectors. However, a Member was concerned that this suggestion would amount to giving particular sectors a veto power, making it more difficult for people to take part in the election and causing great controversies.

29. Furthermore, there were suggestions that an upper limit for the number of subscribers for nominating a CE candidate should be set, so as to enable more potential candidates to take part in the election, but there were also opposing views.

Conclusion

30. The Convenor said that in response to the aspirations of the Hong Kong people for universal suffrage, the Central Authorities had made clear the timetable for attaining universal suffrage in Hong Kong. Now, the general view of the community and the LegCo was that various sectors should seek to build on common ground and accommodate mutual differences so as to reach consensus on the electoral methods for 2012 as soon as possible.

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

- (1) While the Task Group still had diverse views regarding the specific method for electing the CE in 2012, Members generally hoped that the Election Committee for 2012 could be transformed into the nominating committee for 2017. This could

allow the electoral arrangements in 2012 to complement those for implementing universal suffrage for the CE in 2017;

- (2) Quite a number of Members agreed that the composition of the Election Committee for 2012 should comply with the principle of “balanced participation”. Some Members raised that the composition of the Election Committee was a more important issue than the size of the Committee;
- (3) The issue of whether and how the electorate base should be expanded was more controversial, on which more views should be collected;
- (4) The issue of nomination threshold and the number of candidates would need to be further studied.

32. The Convenor said that the Secretariat would sum up the views expressed by Members. The next meeting was tentatively scheduled for late March.

33. The attendance list is attached at Annex.

**Secretariat to the Commission on Strategic Development
March 2008**

策略發展委員會
政制發展專題小組
第一次會議
2008年2月28日

**First Meeting of the
Task Group on Constitutional Development
of the Commission on Strategic Development
28 February 2008**

出席人士

Attendance List

召集人 :

Convenor :

Mr TANG Ying-yen, Henry, GBS, JP
Chief Secretary for Administration

政務司司長
唐英年先生, GBS, JP

官方委員 :

Official Members :

Mr LAM Sui-lung, Stephen, JP
Secretary for Constitutional and Mainland Affairs

政制及內地事務局局長
林瑞麟先生, JP

Prof LAU Siu-kai, JP
Head, Central Policy Unit

中央政策組首席顧問
劉兆佳教授, JP

列席人士 :

In Attendance :

Mr LAW Chi-kong, Joshua, JP
Permanent Secretary for Constitutional and
Mainland Affairs

政制及內地事務局常任秘書長
羅智光先生, JP

Mr HO Kin-wah, Arthur, JP
Deputy Secretary for Constitutional & Mainland
Affairs (1)

政制及內地事務局副秘書長(1)
何健華先生, JP

Mr CHAN Wai-man, Darryl
Press Secretary to Chief Secretary for
Administration

政務司司長新聞秘書
陳維民先生

非官方委員 :

Non-official Members :

Sir AKERS-JONES, David, GBM, JP
Mr CHAN Chung-bun, Bunny, BBS, JP
Prof CHEN Hung-ye, Albert, JP
Mr CHEUNG Chi-kong
Mr CHOW Yung, Robert, BBS
The Hon EU Yuet-mee, Audrey, JP
Ms FANG Meng-sang, Christine, JP
Mr HOO, Alan, SBS, JP
Mrs IP LAU Suk-ye, Regina, GBS, JP
Ms KO Po-ling, MH, JP
Mr LAU Nai-keung
The Hon LEE Cheuk-yan
The Hon LEE Wing-tat
Dr LI Ka-cheung, Eric, GBS, JP
Mr LIE-A-CHEONG Tai-chong, David, JP
Mr LO Wing-hung, BBS
The Hon SHEK Lai-him, Abraham, SBS, JP
Dr SHIH Tai-cho, Louis
Mr SHIH Wing-ching, JP
Mr TAM Kwok-kiu, MH, JP
Miss TAM Wai-chu, Maria, GBS, JP
The Hon TIEN Pei-chun, James, GBS, JP
The Hon TSANG Yok-sing, Jasper, GBS, JP
Mr WONG Kwok-kin, BBS
Mr WOO Kwong-ching, Peter, GBS, JP
Dr YUNG Wing-ki, Samuel, MH, JP
Dr ZHOU Ba-jun

鍾逸傑爵士, GBM, JP
陳振彬先生, BBS, JP
陳弘毅教授, JP
張志剛先生
周融先生, BBS
余若薇議員, JP
方敏生女士, JP
胡漢清先生, SBS, JP
葉劉淑儀女士, GBS, JP
高寶齡女士, MH, JP
劉迺強先生
李卓人議員
李永達議員
李家祥博士, GBS, JP
李大壯先生, JP
盧永雄先生, BBS
石禮謙議員, SBS, JP
史泰祖醫生
施永青先生, JP
譚國僑先生, MH, JP
譚惠珠女士, GBS, JP
田北俊議員, GBS, JP
曾鈺成議員, GBS, JP
黃國健先生, BBS
吳光正先生, GBS, JP
容永祺博士, MH, JP
周八駿博士

秘書 :

Secretary :

Mr Raymond TAM

譚志源先生

因事未能出席

Apologies

Dr LAW Chi-kwong, SBS, JP
Mr NIGHTINGALE, Anthony John Liddell, SBS, JP
Mr WU Ting-yuk, Anthony, JP

羅致光博士, SBS, JP
黎定基先生, SBS, JP
胡定旭先生, JP