

**Summary of views expressed at
the Third Meeting
of the Task Group on Constitutional Development
of the Commission on Strategic Development
held on 25 April 2008**

(Translation)

The Convenor welcomed members to the third meeting of the Task Group on Constitutional Development (Task Group) of the Commission on Strategic Development (CSD).

Matters Arising

2. The Convenor told the meeting that the CSD Secretariat had forwarded to members a summary of views expressed at the second meeting. It had also submitted the discussion paper of this meeting to the Legislative Council (LegCo) Secretariat.

Further Discussion on the Method for Forming the Legislative Council in 2012 (Paper No: CSD/TGCD/4/2008)

3. The Convenor said that, at the last meeting, some members had put forth the view that the method for forming the LegCo in 2012 should be conducive to attaining universal suffrage, and should not limit the room for discussion and constrain further development in future. On the basis of the discussion at the last meeting, the Convenor suggested that the Task Group further discuss the specific method for forming the LegCo in 2012 at this meeting, focusing on the following relevant issues:

- (a) if the number of LegCo seats was to be increased, whether it should be increased to 70 or 80;
- (b) if the number of functional constituency (FC) seats was to be increased, how the additional FC seats should 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 could be returned by individuals who were not of Chinese nationality or who had the right of abode in foreign countries should be adjusted.

Number of LegCo Seats

4. More members were of the view that the number of LegCo seats should be increased to expand the electorate base and enhance the democratic elements of LegCo elections, and that the existing number of LegCo members could no longer cope with the increasing workload of LegCo. Among them, more members supported increasing the number of LegCo seats to 70 in 2012 because it would be more prudent to increase the number of seats by ten initially and, where necessary, the number could be further increased, say by ten, in 2016 in accordance with the principle of gradual and orderly progress in the light of the actual situation and the prevailing views of the community.

5. Some members suggested increasing the number of LegCo seats to 80 in 2012 with a view to nurturing talent by creating more opportunities for political participation for the succession teams of political parties. However, there were views that increasing 20 seats in one go would be too great a change, which might in turn change the nature of the LegCo, and it would be difficult to make any adjustments afterwards.

6. On the other hand, there were views that the existing number of LegCo seats, i.e. 60, should remain unchanged, although they would not object to an increase, if any. Some members remarked that, before a final view had been taken on how to deal with the FCs, it would not be appropriate to increase the number of LegCo seats. Otherwise, controversy might arise in society over issues such as what new FCs should be established and whether the number of seats returned by a particular FC should be increased.

The Delineation of the Electorate of FCs

7. While members generally agreed that the composition of LegCo should be in line with the principle of “balanced participation”, they held different views on how the additional FC seats should be dealt with. Some members opined that the new FC seats should be allocated to new FCs, while some advocated the allocation of all the new seats to District Councils (DCs). Some other members were of the view that the new seats could be divided among new FCs and DCs.

8. Some members suggested that the five new FC seats be allocated in the following proportion:

- Commercial and industrial (two seats), professional (two seats) and grassroot groups (one seat);

- Sports (one seat), performing arts (one seat), culture (one seat), small and medium enterprises (one seat) and DCs (one seat); or
- DCs (two seats) and other sectors (three seats).

9. There were views that the retention or abolition of FCs upon the introduction of universal suffrage would have a bearing on the composition of LegCo in 2012. Some members opined that FCs should be abolished when universal suffrage was introduced since they only represented the interests of a small group of people and were not conducive to the well-being of our society as a whole. On the other hand, there were also views supported the retention of FC seats since FC elections suited Hong Kong's actual situation and needs, and both the members returned by FCs and those returned by geographical constituencies (GCs) through direct elections had to go through the process of election and could equally contribute to the work of LegCo. Members agreed that FC elections could be regarded as fair and transparent as long as the "one-person-two-votes" system (i.e. each eligible elector was allowed to cast one vote in a GC and another in an FC) was adopted as the method of universal suffrage.

10. In addition, a member suggested the Government to conduct a comprehensive review on the existing FC elections with a view to introducing more democratic elements to ensure compliance with various international human rights treaties and allow greater public participation.

(i) Establishing New FCs

11. To achieve balanced participation and in the interest of Hong Kong's future development, some members opined that consideration could be given to establishing new FCs comprising sectors currently not included. Some members were also of the view that increasing the number of FC seats in 2012 could lay the foundation for universal suffrage by enabling more representatives from different sectors to participate and gain experience in political affairs.

12. Some members suggested establishing the following new FCs:

- Chinese enterprises
- Cultural and creative industries
- Chinese medicine practitioners and Chinese medicine industry
- Grassroot groups
- Small and medium enterprises

- Women's groups
- Home-makers
- Retirees
- Elderly service
- Civil service
- Employers' associations

13. However, some members remarked that there was no need to establish new FCs for small and medium enterprises and cultural and creative industries since they were already included in the electorate of the Commercial FCs.

14. A member suggested that new FCs be established according to the respective sectors' contribution to the gross domestic product (GDP) of Hong Kong and their social functions.

15. A member proposed that 25% of the new FC seats be allocated to the commercial sector. However, another member objected to the proposal on the grounds that the commercial sector was already represented in the LegCo by several seats returned by FCs and there was no need to further increase their representation.

16. There were also views that reference could be made to the arrangements of the "nine new FCs" in adding new FC seats in 2012, so as to broaden the electorate base.

17. However, some members objected to the establishment of new FCs. They thought that the selective inclusion of some new constituencies would be controversial, and the greater the number of FCs, the more complicated the issue would be if FCs were to be abolished when universal suffrage was ultimately achieved.

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

18. Some members supported the proposal to allocate all new FC seats to DCs. Since DCs had broad representation, increasing the number of LegCo seats returned by DCs would facilitate the democratic development of Hong Kong. The proposal had also won public support and would be acceptable to the Central Authorities. Furthermore, increasing the number of FC seats returned by DCs would facilitate the development of political parties and the

nurture of talent. Members in general suggested that DC representatives be returned through elections among DC members, while some members considered that appointed DC members should not participate in the elections.

19. On the other hand, some members objected to an increase in the number of FC seats allocated to DCs. They thought that it was inappropriate to have the DCs doubly represented in the LegCo and that such arrangement would be inconsistent with the principle of “balanced participation”. Some members also queried whether DCs were functional bodies and believed that DC members who wanted to become LegCo members should do so through direct geographical elections.

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

20. Members held different views on the replacement of corporate votes with director’s/association’s/individual’s votes. Some Members supported the replacement of corporate votes with director’s votes, believing that this could broaden the electorate base of FCs, while a member suggested that individual’s votes should be allocated to trade practitioners so as to enhance the democratic elements of the elections. As for director’s votes, there was a suggestion of limiting the number of director’s votes for each company and the number of votes that each director would be entitled to, and requiring that each company could only vote in one FC. This could ensure that the members were representative of the relevant sectors.

21. However, some members objected to the proposal, claiming that corporate voting was a unique feature of Hong Kong’s elections. They remarked that the creation of director’s/individual’s votes was inconsistent with the original intent of introducing FC elections, and would not only increase the risk of “vote planting”, but also render the members returned by the relevant constituency less representative. A member considered the proposed modification no more than a political gesture, which would not help change the public perception of FC elections.

(iv) Splitting or Merging Some of the Existing FCs

22. Some members were of the view that some FCs (such as Sports, Performing Arts, Culture and Publication, Real Estate and Construction, and Architectural, Surveying and Planning) should be split up. However, some members objected to the splitting of existing FCs, saying that instead of expanding the electorate base of FCs, it would increase the number of seats returned by certain FCs, which would not help enhance public participation.

Some members considered that the ultimate goal should be broadening the electorate base of FCs, with the FC seats returned by universal suffrage under the “one-person-two-votes” system.

23. There were views which objected to the merging of FCs (e.g. merging the Medical FC and Health Services FC) for the reason that it would be unfair to constituencies with a small electorate size and would arouse controversy among the public.

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

24. Most members had no strong views on whether to amend the arrangement that 20 percent of LegCo seats could be returned by individuals who were not of Chinese nationality or who had the right of abode in foreign countries, currently only applicable to FCs.

25. Some members considered that this arrangement reflected the characteristics of Hong Kong as a world city pooling talent from all over the world. Furthermore, since this arrangement had been working smoothly over the years and not many incumbent LegCo members had the right of abode in foreign countries, there seemed to be no imminent need for amendment. On the contrary, amending the arrangement might give the international community a false impression that Hong Kong rejected people who were not of Chinese nationality. In view of this, the arrangement should be maintained and could be reviewed in the context of reviewing the future of FCs. Members also considered that the arrangement should continue to be applicable to only FC seats.

26. Some members thought that the arrangement should be abolished in the long term since it was only a transitional arrangement for the initial stage of Hong Kong’s reunification with the motherland. Some members suggested reducing the number of such seats from 2012 in a gradual and orderly manner towards total abolition in 2020, while a member suggested reallocating such seats among FCs.

27. A member remarked that altering the arrangement might involve amendment to the Basic Law and Legislative Council Ordinance.

Conclusion

28. The Secretary for Constitutional and Mainland Affairs said that the discussions by the Task Group on Constitutional Development of the Commission on Strategic Development on the methods for electing the Chief Executive and forming the LegCo in 2012 were very useful and the views collected at this stage could form the basis for public consultation by the Government in future.

29. The Convenor thanked members for their views on the issues discussed at the meeting. He noted that some members requested that the Government work out the roadmap for elections in 2020 first, but it would be difficult to reach a consensus on the issue within a short period of time. If it was insisted that a consensus on the roadmap for elections in 2020 had to be reached before the election arrangements for 2012 could be discussed, no progress could be made in this area of work.

30. The Convenor told the meeting that the Task Group would organise a workshop in May to listen to the views of academics, think tanks, as well as different organisations and individuals on the methods for electing the Chief Executive and forming the LegCo in 2012. The Secretariat would inform members of the details later.

31. The attendance list is attached at Annex.

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

策略發展委員會
政制發展專題小組
第三次會議
2008年4月25日

Third Meeting of the
Task Group on Constitutional Development
of the Commission on Strategic Development
25 April 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 HO Kin-wah, Arthur, JP
Acting Permanent Secretary for Constitutional and
Mainland Affairs

署理政制及內地事務局
常任秘書長
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 :

Mr CHAN Chung-bun, Bunny, BBS, JP	陳振彬先生, BBS, JP
Prof CHEN Hung-ye, Albert, JP	陳弘毅教授, JP
Mr CHEUNG Chi-kong	張志剛先生
Mr CHOW Yung, Robert, BBS	周融先生, BBS
The Hon EU Yuet-mee, Audrey, JP	余若薇議員, JP
Mr HOO, Alan, SBS, JP	胡漢清先生, SBS, JP
Mrs IP LAU Suk-ye, Regina, GBS, JP	葉劉淑儀女士, GBS, JP
Ms KO Po-ling, MH, JP	高寶齡女士, MH, JP
Dr LAW Chi-kwong, SBS, JP	羅致光博士, SBS, JP
The Hon LEE Wing-tat	李永達議員
Dr LI Ka-cheung, Eric, GBS, JP	李家祥博士, GBS, JP
Mr LO Wing-hung, BBS	盧永雄先生, BBS
Mr NIGHTINGALE, Anthony John Liddell, SBS, JP	黎定基先生, SBS, JP
The Hon SHEK Lai-him, Abraham, SBS, JP	石禮謙議員, SBS, JP
Dr SHIH Tai-cho, Louis	史泰祖醫生
Mr SHIH Wing-ching, JP	施永青先生, JP
Mr TAM Kwok-kiu, MH, JP	譚國僑先生, MH, JP
Miss TAM Wai-chu, Maria, GBS, JP	譚惠珠女士, GBS, JP
The Hon TIEN Pei-chun, James, GBS, JP	田北俊議員, GBS, JP
Mr WONG Kwok-kin, BBS	黃國健先生, BBS
Mr WOO Kwong-ching, Peter, GBS, JP	吳光正先生, GBS, JP
Mr WU Ting-yuk, Anthony, JP	胡定旭先生, JP
Dr YUNG Wing-ki, Samuel, MH, JP	容永祺博士, MH, JP
Dr ZHOU Ba-jun	周八駿博士

秘書 :

Secretary :

Mr Raymond FAN

范偉明先生

因事未能出席
Apologies

Sir AKERS-JONES, David, GBM, JP
Ms FANG Meng-sang, Christine, JP
Mr LAU Nai-keung
The Hon LEE Cheuk-yan
Mr LIE-A-CHEONG Tai-chong, David, JP
The Hon TSANG Yok-sing, Jasper, GBS, JP

鍾逸傑爵士, GBM, JP
方敏生女士, JP
劉迺強先生
李卓人議員
李大壯先生, JP
曾鈺成議員, GBS, JP