

**Summary of views expressed at
the Fourth Meeting
of the Task Group on Constitutional Development
of the Commission on Strategic Development
Held on 27 June 2008**

(Translation)

The Convenor welcomed members to the fourth 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 last meeting. The two discussion papers of this meeting had summarised members' views expressed at the previous meetings on the methods for electing the Chief Executive (CE) and forming the Legislative Council (LegCo) in 2012, which would form the basis for drafting the document for the next round of public consultation by the Government.

Summary of Discussions on the Method for Electing the Chief Executive in 2012 (Paper No: CSD/TGCD/5/2008)

Summary of Discussions on the Method for Forming the Legislative Council in 2012 (Paper No: CSD/TGCD/6/2008)

3. The Convenor made the following remarks before members' discussion:

(a) Regarding the CE election in 2012, members generally held the following views in the previous discussions:

(i) the CE Election Committee for 2012 should be transformed into the Nominating Committee when universal suffrage for the CE was implemented in 2017;

- (ii) the Election Committee should be formed by maintaining the current composition of four sectors; and
 - (iii) more members considered that the nomination threshold should be maintained at one-eighth of the size of the Election Committee.
- (b) Regarding the method for electing the CE in 2012, consensus had yet to be reached among members on the following issues:
 - (i) whether the size of the Election Committee should be maintained or expanded;
 - (ii) how seats should be allocated among different sectors;
 - (iii) whether certain subsectors should be reorganised;
 - (iv) whether the electorate base should be broadened; and
 - (v) whether an upper limit on the number of subscribers for nominating a CE candidate or other nominating requirements should be introduced.
- (c) On LegCo election, more members considered that the number of LegCo seats should be increased. Among them, there were more who took the view that the number of seats should be increased to 70. However, members still held diverse views on the following issues:
 - (i) how the newly created functional constituency (FC) seats should be dealt with; and
 - (ii) whether 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.

4. The Convenor invited members to express their views on the two discussion papers. Members' views are summarised below.

General Views

5. A member expressed the view that appropriate amendments should be made to the electoral methods for 2012 in accordance with the Decision adopted by the Standing Committee of the National People's Congress ("NPCSC") last year. However, the amendments should not be excessive, and no fundamental changes to the two electoral methods should be made unless absolutely necessary. While promoting further democratic development, the amendments should conform to the principles of balanced participation and gradual and orderly progress in accordance with the provisions of the Basic Law and the NPCSC's Decision.

6. A member considered that the pace of democratic development should be accelerated vigorously in the 2012 elections in order to strengthen the legitimacy and mandate of the Government and broaden the representativeness of the two electoral methods.

7. Noting that consensus had yet to be reached within the Task Group on some issues, a member expressed concern that it would be even more difficult to forge consensus in the community on those issues. He believed that the public would like to see the discussion on constitutional development making progress rather than being bogged down by some overly aggressive objectives, which would waste the efforts of Hong Kong people. Therefore, the Government should adopt a pragmatic and conservative approach when dealing with the two electoral methods for 2012 in order to secure the support of the public and LegCo.

8. A member suggested that, when consulting the public on the two electoral methods for 2012, the Government should try to focus public discussion on the key elements and avoid starting up debates over too many issues. In addition, there should not be excessive amendments to the two electoral methods. Otherwise a fragmented and imbalanced electoral arrangement would be resulted if certain proposed amendments were rejected.

9. Some members considered the two elections in 2012 an important intermediate phase before the implementation of universal suffrage in the course of democratisation.

10. A member pointed out that there were different views among the public on the two electoral methods for 2012 and the public consultation document should primarily aim at putting forward different options for public consideration. Another member remarked that the discussions of the Task Group could provide the basis for the next round of public consultation by the Government. They could also assist the Government in drawing up options on various issues, thus focusing and narrowing the scope of public discussion. Various members suggested that in drafting the document for the next round of public consultation, the Government should consider:

- (a) setting out the purpose and framework of the public consultation;
- (b) quoting the Basic Law provisions relating to the CE and LegCo elections and their long-term arrangements, such as Articles 45 and 68;
- (c) listing the five steps for amending the electoral methods as specified by the NPCSC; and
- (d) stating the definition of universal suffrage.

Method for Electing the CE in 2012

Election Committee

11. More members supported increasing the size of the Election Committee to enhance its democratic elements.

12. Some members considered that the existing four sectors forming the Election Committee should be maintained for the continuation of balanced participation. However, it was suggested that consideration

should be given to adjusting the proportion of the four sectors by, for example, including all District Council (DC) members in the Fourth Sector to enhance the democratic elements of the Election Committee.

13. Regarding the splitting of the existing subsectors, a member reckoned that the suggestion was controversial and should not be implemented in 2012 unless absolutely necessary.

Upper limit on the number of subscribers and other nomination requirements

14. There was a view that the nomination threshold should be maintained at the present level of one-eighth of the size of the Election Committee to avoid unnecessary disputes, whereas there was also a view that it should be lowered to one-tenth of the total membership.

15. A member hoped that in preparing the consultation document, the Government could consider adding an explanatory note to the term “nomination threshold” to make it clear that the “democratic procedures” for electing the CE by universal suffrage in 2017 would not necessarily be equivalent to a “nomination threshold” so as to avoid public confusion.

16. A member considered that an upper limit on the number of subscribers should be set at half of the size of the Election Committee.

17. 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. However, individual members considered that “transformed into” was not equivalent to “formed with reference to”. Transformation would be possible if both committees had broad representation, but it might be too optimistic to expect this at the present stage.

Method for forming LegCo in 2012

Number of seats in LegCo

18. Most of the members who commented on this issue supported increasing the number of LegCo seats in order to nurture political talents by providing more opportunities for political participation, and to cope with the increasing workload of LegCo. Specific proposals put forth included increasing the number of seats to 70 or 80.

19. However, a member remarked that increasing the number of seats did not mean broadening the electorate base, and that the electorate base was more important than the number of seats.

Allocation of seats and the delineation of the electorate

20. A member opined that the new seats returned by geographical constituencies (GCs) through direct elections should be allocated in proportion to the population of each constituency.

21. As for FC seats, a member expressed the view that all new FC seats should be returned by elections among all DC members. This proposal had been supported by the public in 2005 and recognised by the Central Authorities as consistent with the Basic Law, and could realise the “people-based” concept. Furthermore, this proposal was less controversial and could further democratise the electoral system. However, a member considered that this proposed arrangement should not apply to appointed DC members. Another member opined that increasing DCs’ representation in LegCo would only duplicate, rather than broaden, the electorate base of GCs.

22. A member considered that the new FC seats should be allocated to sectors currently not represented in LegCo, so as to bring the voices of more sectors into LegCo and achieve the principle of balanced participation. However, another member expressed concern that new FC seats might be easy to create but difficult to abolish, thus impeding the progress towards universal suffrage.

23. A member remarked that since the proposal of replacing corporate votes with director's/executive's/association's/individual's votes would involve great technical difficulties, no such change should be made to the two electoral methods for 2012. Another member suggested that the additional FC seats should be returned by individual's/director's votes.

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. Members held different views on this issue. A member opined that any change to the existing arrangement should depend on whether there was public concern over the nationality of the candidates in the LegCo election to be held later this year. Another member commented that the existing arrangement was consistent with the Basic Law and should not be linked to the nationality issue of Under Secretaries/Political Assistants.

25. More members reckoned that there was no imminent need for adjustment and voters were free to choose whether to vote for individuals who were not of Chinese nationality or who had the right of abode in foreign countries in the election. However, there was also a view that the additional seats should not be returned by individuals who were not of Chinese nationality or who had the right of abode in foreign countries.

26. A member considered that the existing arrangement relating to nationality might not be in compliance with the equal right to be elected at elections by universal suffrage, thus inconsistent with the principle of fair election enshrined in Article 25 of the International Covenant on Civil and Political Rights. The member suggested that the Government could consider reducing the number of seats that could be returned by individuals who were not of Chinese nationality or who had the right of abode in foreign countries. Alternatively, such seats could be divided equally between the GCs and the FCs. In this connection, the Secretary for Constitutional and Mainland Affairs pointed out that Article 39 of the Basic Law provided for the application of the relevant international covenants to Hong Kong while Article 67 provided for the composition of LegCo,

stipulating that HKSAR permanent residents who were not of Chinese nationality or who had the right of abode in foreign countries could also be elected LegCo members, provided that the proportion of such members did not exceed 20% of the size of LegCo. He added that 20% was the upper limit.

27. There was also a view that the electoral methods for 2012 should aim to take forward Hong Kong's further constitutional development. To avoid complicating the matter, this issue should not be made the focus of public consultation in future.

Others

28. Regarding long-term arrangements, a member expressed the view that consideration could be given to adopting a "one-person-two-votes" system as the model for implementing universal suffrage, under which one vote was to return a directly elected GC member and the other to return a candidate on a territory-wide single list.

Conclusion

29. The Convenor thanked members for attending the meeting and expressing their views, which would enable the next round of public consultation to focus more on and go deeper into the key elements of the electoral methods for 2012. He hoped that members would continue to take part in the discussion actively.

30. The attendance list is at Annex.

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

策略發展委員會
政制發展專題小組
第四次會議
2008年6月27日

**Fourth Meeting of the
Task Group on Constitutional Development
of the Commission on Strategic Development
27 June 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 TAM Chi-yuen, Raymond
Under Secretary for Constitutional and
Mainland Affairs

政制及內地事務局副局長
譚志源先生

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

政制及內地事務局
副秘書長(1)
何健華先生, JP

非官方委員 :
Non-official Members :

Sir AKERS-JONES, David, GBM, JP	鍾逸傑爵士, GBM, JP
Mr CHAN Chung-bun, Bunny, BBS, JP	陳振彬先生, BBS, 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
Ms FANG Meng-sang, Christine, JP	方敏生女士, 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 LIE-A-CHEONG Tai-chong, David, JP	李大壯先生, 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
Dr SHIH Tai-cho, Louis	史泰祖醫生
The Hon TSANG Yok-sing, Jasper, GBS, JP	曾鈺成議員, GBS, JP
Mr WONG Kwok-kin, BBS	黃國健先生, BBS
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

Prof CHEN Hung-ye, Albert, JP

Mr LAU Nai-keung

The Hon LEE Cheuk-yan

The Hon SHEK Lai-him, Abraham, SBS, JP

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

Mr WOO Kwong-ching, Peter, GBS, JP

Mr WU Ting-yuk, Anthony, JP

陳弘毅教授, JP

劉迺強先生

李卓人議員

石禮謙議員, SBS, JP

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

吳光正先生, GBS, JP

胡定旭先生, JP