

**Commission on Strategic Development
Committee on Governance and Political Development**

**Further Discussion on Possible Models for
Forming the Legislative Council by Universal Suffrage**

Introduction

Members commenced discussion on possible models for forming the Legislative Council (“LegCo”) by universal suffrage last September (Paper No: CSD/GC/8/2006), and further discussed the issue in detail at the meeting last November (Paper No: CSD/GC/10/2006). This paper summarizes members’ views on possible models for forming LegCo by universal suffrage, in order to facilitate members’ discussion on the subject in focus and to further narrow differences.

2. For members’ easy reference, we have updated the summary of views of various organizations and individuals on possible models for forming the LegCo received by the Administration and the LegCo, as appended at Annex I and Annex II respectively. A summary of written submissions received from individual members in the past and recently by the Commission Secretariat is at Annex III.

Discussion progress on possible models for forming LegCo by universal suffrage

3. Regarding possible models for forming LegCo by universal suffrage, members previously focused on discussing the following three options:

- (i) to return all seats by geographical constituencies (“GCs”) through direct elections; to abolish all functional constituency (“FC”) seats;
- (ii) to return seats by GCs through direct elections; FC seats would not continue to be returned by the existing election method; and

(iii) a bicameral system.

4. At the meeting in November 2006, members agreed to set aside for the time being any further discussions on a bicameral system as an option for implementing universal suffrage. The main reasons included:

- (i) the implementation of a bicameral system would entail complicated procedures. Not only would it involve amendments to Annex II to the Basic Law, the principal provisions of the Basic Law might also need to be amended;
- (ii) if there were two chambers, the bills and motions introduced by the Government would need to be passed by both chambers. This would add to the difficulties in getting bills and motions passed, and undermine governance and the efficiency of the Government; and
- (iii) if the proposal was meant to be only a transitional arrangement, it would not be worth the effort politically. If it was meant to be the ultimate model, it might not be consistent with the principle of universal suffrage.

5. However, members had yet to form a mainstream view on the following issues:

- (i) whether FC seats should be abolished altogether or retained in some form; and
- (ii) whether transitional arrangements should be put in place before attaining the ultimate aim of universal suffrage, and if so, the model to be adopted.

Possible models for forming LegCo by universal suffrage

6. Members had discussed in detail whether FC seats should be abolished altogether or retained in some form. However, they still had grave differences on the issue.

7. Some members considered that all FC seats should be abolished when universal suffrage was implemented. In this regard, specific

proposals put forth by members included:

- (i) all seats to be returned by GCs through direct elections, with half of the seats returned by a “single seat single vote” system on a district basis, and the other half by a proportional representation system, under which the whole of Hong Kong would form a single constituency (i.e. each voter would elect LegCo Members on the basis of “one-person-two-votes”). This proposal could give all members of the public universal and equal voting rights; and
- (ii) all seats to be returned by “one-person-one-vote”, such that the number of seats allocated to different political parties would be proportional to the respective number of votes they received. This proposal would be conducive to the development of political parties.

8. However, some members had reservations about the proposal to abolish all FC seats. The major reason was that, given that any amendment to the electoral methods specified in the Annexes to the Basic Law required the endorsement of a two-thirds majority of all the members of LegCo, it would not be possible to secure sufficient support in LegCo for a proposal to abolish all FC seats at the current stage. On the contrary, they considered it worthwhile to retain the FC seats for reasons including:

- (i) FCs had been playing an important role in LegCo and in society. In particular, they had brought the voices of the business and professional sectors into LegCo and had, through their expertise, assisted LegCo in carrying out legislative function and in monitoring the Government’s work. FC members had made contributions to the community;
- (ii) FCs could meet the interests of different sectors of society, which was consistent with the principle of “balanced participation”; and
- (iii) abolition of FCs altogether was bound to meet with objections from the community, and it would be difficult to reach consensus on the issue.

9. Some members proposed that when universal suffrage was implemented for LegCo, the FC seats should be retained in some form, but changes could be made to the electoral system so as to make the arrangements consistent with the principles of universal and equal suffrage. Members discussed various options as to how FC seats could be retained in some form when universal suffrage was implemented:

- (i) to include voters who were currently not entitled to vote at FCs. In other words, each voter would elect LegCo members on the basis of “one-person-two-votes”: one vote to return directly elected GC Members, and the other to return FC Members.

Those members who supported the proposal considered that, as long as every voter would be entitled to vote for FC Members, the principles of universal and equal suffrage would be complied with.

However, a member considered that under this kind of proposals, there would be great disparity in the number of voters among different FCs, leading to inequality in the “value” of each vote. However, another member pointed out that even for universal suffrage which was implemented on the basis of GC elections, it would not be possible for each vote to carry the same “value”.

- (ii) to allow FC Members to nominate candidates for election by all voters through “one-person-multiple-votes” i.e. one vote to return directly elected GC Members, and multiple votes to return FC Members.

Those members who supported the proposal considered that this could help ensure that candidates would not only look after the interests of individual sectors, but would also strive to gain the support of the community at large. This would be consistent with the principles of universal suffrage and “balanced participation”, and would be conducive to maintaining the long-term prosperity and stability of Hong Kong.

However, some members pointed out that this proposal would require further consideration. For example, if every voter could cast one vote to return directly elected GC members and multiple votes to return 30 FC Members, this would mean that each voter would have 31 votes. The voting system might be too complicated for voters. Moreover, the proposal would restrict voters' right to nominate, which could not be regarded to be consistent with the principles of "universal" and "equal" suffrage.

- (iii) to return half of the seats by "occupational constituencies" through direct elections i.e. eligibility for candidature for these seats would be defined by occupation, and the seats would be returned by universal suffrage.

10. However, members who supported abolishing FCs as soon as possible considered that any electoral system conferring special rights on FCs to nominate candidates or to vote would not be consistent with the principle of universal suffrage.

Transitional arrangements before attaining the ultimate aim of universal suffrage

11. Although members held diverse views on models for forming LegCo by universal suffrage, they agreed that, in taking forward Hong Kong's constitutional development, we would have to face the political reality that 30 out of the 60 LegCo seats were returned by FCs. As any amendment to the electoral method for LegCo required the endorsement of a two-thirds majority of all the members of LegCo, in practice, this meant that the endorsement and support of members returned by FCs as well as those returned by GCs through direct elections would be required.

12. On the premise set out above, members examined vigorously whether universal suffrage for LegCo should be implemented in phases, so that the Central Authorities and certain people in Hong Kong would find such arrangements more acceptable. A member considered that a transition timetable for implementing universal suffrage must first be formulated before discussing the proposal to implement universal suffrage for LegCo in phases. Also, a member considered that it was worthwhile to examine the proposal of implementing universal suffrage for LegCo in phases, but that the transitional period should not be too long, particularly when

universal suffrage for CE would first be implemented. Otherwise, the legitimacy of LegCo would be affected, which would in turn undermine its role to perform checks and balances over the executive authorities.

13. Members put forth the following proposals regarding the transitional arrangements:

- (i) to introduce reforms before abolishing the FCs, including to expand the electorate base of FCs, replace corporate voting by individual voting, and abolish or merge some of the existing FCs;
- (ii) to return directly elected Members by GCs and, at the same time, to allow FC Members to nominate candidates for election by universal suffrage;
- (iii) to abolish the FC seats in phases. However, some members considered that it might lead to dispute on which FCs should be abolished first. The problem could not be resolved easily and, therefore, the proposal might not receive a two-thirds majority support from LegCo.
- (iv) to increase the proportion of GC seats to FC seats. For example, consideration could be given to increase the number of GC seats, while the number of FC seats should remain unchanged. Moreover, a member suggested increasing the number of LegCo seats returned by District Councils by making reference to the proposed package for the 2007/08 elections put forth by the Government in 2005.

Conclusion

14. To conclude, regarding possible models for implementing universal suffrage for LegCo, members generally agreed that, when universal suffrage was attained, the FC seats could not continue to be returned by the existing election method. Otherwise, it would go against the ultimate aim of universal suffrage as provided for in the Basic Law.

15. In order to further narrow differences, we suggest members draw conclusion on the previous discussions and continue to examine the following issues:

- (i) whether FC seats should be abolished altogether or retained in some form, and the specific models for implementing universal suffrage;
- (ii) whether transitional arrangements should be put in place before attaining the ultimate aim of universal suffrage, and if so, the model to be adopted.

Constitutional Affairs Bureau
January 2007

Annex I

Public views on possible models for forming the Legislative Council by universal suffrage

Written submissions received by the Government

<u>Organizations/individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
Mr. Eric K C LI	4.1.2004	<ul style="list-style-type: none">• First phase: add 30 more geographically elected seats and maintain 30 functional constituency (FC) seats.• Second phase: turn the 30 FC seats into nominating committees. Each nominating committee to select no more than three candidates who must then obtain the mandate from the people of Hong Kong in a universally held direct election.• Final phase: all 90 seats open for universal suffrage.
Hong Kong Civic Association	12.1.2004	<ul style="list-style-type: none">• To consider a bicameral legislature consisting of a House of Representatives (i.e. Lower House) and a Senate (i.e. Upper House).• The House of Representatives could be elected on a geographical constituency (GC) basis, at a ratio of one representative for every 120,000 to 150,000 residents, for a 4-year term of office.

<u>Organizations/individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
		<ul style="list-style-type: none"> The Senate could have between 40-50 members, about one-quarter of whom would come from the District Councils. The rest of the Senate seats should be apportioned among different sectors, such as commerce and industry, labour, education, culture, medical and social welfare etc. The term of office could be between 4 to 6 years, with half of the Senate seats coming up for election every 2-3 years.
Article 45 Concern Group	28.1.2004	The inequities in the current system of FCs are legion. The consequence of these defects in the structure is that the HKSAR Government is out of touch with the citizens. Must reflect to the Central People's Government the positive consequences if a change to universal suffrage is allowed.
The Frontier	29.1.2004	The future development of the political system is already prescribed clearly and in detail in the Basic Law. Article 68(2) provides that "The method for forming the LegCo shall be specified in the light of the actual situation in the HKSAR and in accordance with the principle of gradual and orderly progress. The ultimate aim is the election of all the members of the LegCo by universal suffrage."

<u>Organizations/individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
Hong Kong Democratic Foundation and Power for Democracy	13.2.2004	All seats in LegCo should be directly elected. If this ultimate goal is to be delayed, then transitional arrangements should be considered by the Administration, including proposals such as increasing the number of directly-elected seats and reducing the number of FC seats, increasing the number of directly-elected seats only, or increasing the number of both directly-elected and FC seats, or establishing a two-chamber system.
SynergyNet	13.2.2004	<p>The number of LegCo seats should be increased to 90. All Members should be elected by universal suffrage through three different ways to achieve balanced representation:</p> <ul style="list-style-type: none"> (i) 30 members to be directly elected from single-seat GCs, using the "first past the post" principle. (ii) 30 members to be directly elected on a regional single-list system. There will be three regions - namely Hong Kong Island, Kowloon and the New Territories. Seats will be allocated on the basis of the percentage of votes received by each list. The number of seats in each region will be dependent on the population of the region. (iii) 30 members to come from designated functional sectors (similar to the existing FCs) to be

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elected by universal suffrage. This can be done in two ways:

- (a) turn all FCs into “occupational constituencies” so that each member of the public will belong to one of these constituencies and can take part in the election of his functional/occupational representative; or
- (b) nomination of candidates by recognized bodies of the designated functional sectors (such as business and commerce chambers, trade unions and professional societies); election by universal suffrage.

Democratic Party

25.5.2004

All LegCo Members should be returned by universal suffrage. It is proposed that a mixed system of a “single seat single vote system” and a “proportional representation system” be adopted. The 60 LegCo seats will be divided into two groups. The first group (with 30 seats) will be returned by a “single seat single vote system”. The whole of Hong Kong will be divided into 30 constituencies based on population ratio. Another group of seats will be returned by a proportional representation system. The whole of Hong Kong will form a single constituency. In other words, each voter will have two votes for electing LegCo

<u>Organizations/individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
		Members.
Hon. Rita FAN	27.9.2004	<ul style="list-style-type: none"> • The current arrangement under which Members are returned by FCs can be replaced by a new arrangement under which Members will be nominated by the constituents of the FCs and elected by universal suffrage. This can be done over three phases. • Candidates who are nominated by FCs to participate in election by universal suffrage should be nominated by at least one-third of the electors in the respective sector.
Hong Kong University Graduates Association Political Reform Concern Group	9.2004	<ul style="list-style-type: none"> • First phase: every eligible GC elector should have voting right in FC elections. Add a “general FC seat” under which all GC electors, whose occupations or professions are not included in other FCs, can be registered as electors. • Second and final phase: reduce the number of FC seats to less than one-fourth, and ultimately change all FC seats to GC directly elected seats.
Hon. Albert CHAN Wai-yip	15.10.2004	Abolish LegCo FC seats. Increase the number of seats to 90. The whole of Hong Kong to be divided into 45 GCs, with two seats in each GC. Every voter can cast two votes for two candidates. The two candidates receiving the

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		highest number of votes in a constituency will be elected.
Joint Committee for the Promotion of the Basic Law of Hong Kong	21.10.2004	Elect FC members by “one person, one vote”.
Dr. Simon N M YOUNG	1.2005	<ul style="list-style-type: none"> • All LegCo members to be elected by way of direct elections on the basis of GCs. • From amongst the elected legislators, a sub-group will be further elected on the basis of FCs. The FCs will be based on policy areas. The elected FC legislators could serve as the chairpersons of LegCo Panels, and would also have a role to play in the executive apparatus of government. For example, the new FC legislators must be given a seat in the Executive Council, even if it is only a non-voting one.
Hong Kong Association for Democracy and People’s Livelihood	23.3.2005	<ul style="list-style-type: none"> • Only by abolishing the FC seats in the LegCo can implementation of universal suffrage fulfill the principles of balanced participation and gradual and orderly progress.
Liberal Party	31.5.2005	<ul style="list-style-type: none"> • In accordance with the Basic Law, the method for forming the LegCo shall be specified in the light of the actual situation in Hong Kong and in accordance with the principle of gradual and orderly progress. The

<u>Organizations/individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
		<p>ultimate aim is the election of all the Members of the LegCo by universal suffrage. However, FC Members' contributions to the LegCo and the Hong Kong community should not be brushed aside.</p> <ul style="list-style-type: none"> • At present, the number of Members returned by FCs is equal to that of directly elected members. They serve to complement each other. We need to be cautious if this balanced situation is to be changed. There is a suggestion in the community that a bicameral system should be introduced. This suggestion merits consideration by the Administration.
The Democratic Alliance for the Betterment and Progress of Hong Kong	31.5.2005	<ul style="list-style-type: none"> • With regard to constitutional development after 2008, it is proposed that favourable conditions should be actively created with a view to achieving the ultimate aim of forming the LegCo by universal suffrage as stipulated in the Basic Law as early as possible.
Business and Professionals Federation of Hong Kong	19.8.2005	<ul style="list-style-type: none"> • The first chamber to be constituted by directly elected members, and the second chamber for the vocational or functional representatives. • The number of directly elected members in the first chamber to be

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City University of Hong Kong Students' Union	14.8.2006	increased from 30 to 40 or more. The number of functional representatives may also need to be increased.
		<ul style="list-style-type: none"> • The second chamber is a place to allow for second thoughts to be given to bills and motions passed by the first chamber, to give careful scrutiny, to appoint an expert committee, to seek wider consultation, if necessary to propose amendments to legislation and then to refer the findings of the deliberations to the first chamber.
		<ul style="list-style-type: none"> • A lack of agreement between the two chambers can be dealt with by giving the second chamber the power to delay the passage of bills or motions, by appointing a joint committee of both chambers, or by providing for bills to shuttle between both chambers until agreement is reached.
		<ul style="list-style-type: none"> • Adoption of a bicameral system would amount to gradual and orderly progress towards greater democracy.
		<ul style="list-style-type: none"> • While the principle of equal suffrage and the system of “one person, one vote” should be promoted, there should also be an interim proposal to gradually enhance the representativeness of

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the legislature and to limit the political power of FC Members.

- As a transitional arrangement, the number of directly elected seats in 2012 could be increased from 30 to 40, while the number of FC seats shall remain unchanged.
- LegCo procedures for voting can be reformed in two ways. Firstly, the bicameral voting system should be abolished. Secondly, the political roles of FCs should be redefined. With reference to a bicameral system, FCs can play the role of an upper house. Through the power to delay passage of bills, they can provide checks and balances to a lower house constituted by directly elected members.
- If a bicameral system is to be further developed, FCs should undergo further reforms e.g. certain FCs of exceptionally small size should be abolished; members returned by universal suffrage and some appointed members could be included in the upper house. It is envisaged that FC seats in the second chamber will gradually be replaced by directly elected seats and all seats will eventually be returned by universal suffrage.

<u>Organizations/individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
Hong Kong Democratic Foundation	16.8.2006	<ul style="list-style-type: none"> • Structural reforms of the LegCo: <ul style="list-style-type: none"> <u>Option 1</u> Increasing the number of directly elected members and FC members proportionately. <u>Option 2</u> Adopting two houses with a fully directly-elected lower house. <u>Option 3</u> Reforming the FCs, including (1) widening the franchise of electors eligible to vote for their functional representatives; (2) enlarging the number of electors beyond those executive committee members in corporate organizations eligible to vote in FC elections; and (3) co-opting new functional groups, particularly women groups, ethnic minorities and youth organizations that are relatively under-represented in the existing LegCo etc. <u>Option 4</u> Abolishing FCs. The option of abolishing the FCs will perhaps be politically acceptable to the vested interest groups in the event that a bicameral system is adopted. <u>Option 5</u> Maintaining the number of LegCo Members at 60 but fully democratizing the election of FC

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representatives (i.e. to maintain the existing 30 directly elected representatives through GCs while democratizing the elections of the FC representatives to the fullest extent). This means that FC groups can nominate representatives to run in territory-wide direct elections. After the nomination process, the candidates will compete in territory-wide elections in which each citizen will have two votes, one vote for a representative in his or her GC and the other vote for another representative in his or her occupational sector. In this way, democratization of the entire LegCo will be in conformity with the Basic Law principle of achieving universal suffrage for the whole legislative body. While FCs will be maintained, their electoral method will be democratized to the fullest extent.

- The two houses system, or the bicameral model, can be viewed not necessarily as the final product of democratization, but as an interim solution. The following structural reforms can be considered if a bicameral model is to be adopted:

Option 1

A wholly directly-elected 60-member LegCo (Lower House)

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and a newly created 60-member upper house.

The composition of the upper house: (1) all the existing FCs in the legislature and also new functional sectors such as women, youth and ethnic minorities. Furthermore, some existing FCs can be augmented, such as allocating more upper house seats to the labour groups; (2) members from not only FCs but also Hong Kong deputies to the National People's Congress, Hong Kong members of the Chinese People's Political Consultative Conference, and other former politicians of the HKSAR.

Option 2

Introducing a smaller upper house (30 seats) comprising the existing and the newly added FCs, and a fully directly-elected 60-member lower house.

Representatives from the
Executive Committee of the
Hong Kong University Students'
Union

16.8.2006

- Adopting a bicameral system in Hong Kong is not without merits. The composition of the upper house can be adjusted according to the actual situation. A bicameral system is to protect vulnerable groups whose fundamental interests are hampered (and not to protect vested interests). Hence, the existing FCs in their present form should not be incorporated into the upper house.

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- Election method

Lower House

Comprising members returned by GCs through direct elections; may review the delineation of the constituencies and the number of seats in each of the constituencies as appropriate.

Retaining the proportional representation system. Further, an open-list proportional representation system can be adopted so that voters will not be affected by the ranking of candidates on the list pre-determined by political parties.

Upper House

Members of the upper house can be elected by District Council elected members or through a territory-wide election. May add some new seats representing the grassroot sectors.

- Functions and responsibilities of the two houses: the power of the upper house and its number of seats must be less than that of the lower house.
- If a bicameral system is not supported by the public after thorough discussions, it will be desirable and indeed necessary to adopt a fully directly-elected

<u>Organizations/individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
The Democratic Alliance for the Betterment and Progress of Hong Kong (DAB's Expectations of the 2006/07 Policy Address)	18.8.2006	<p data-bbox="951 394 1506 517">LegCo, to abolish the FCs, and to restore the normal functions of the legislature.</p> <ul style="list-style-type: none"> <li data-bbox="890 562 1506 1630">• Given the present political environment and the level of socio-economic development of Hong Kong, we should promote the approaches of “formulating a roadmap before a timetable” and “resolving the simple issues before the difficult ones”. By “formulating a roadmap before a timetable”, we should first formulate the ultimate models of the two elections by universal suffrage, then draw up a phased plan leading to that ultimate aim, and finally work out a timetable based on the actual situation. By “resolving the simple issues before the difficult ones”, universal suffrage for the CE can be implemented first. Thereafter, according to the actual situation, we can reform the method for forming the LegCo as well as its procedure of voting in two or three stages, and finally implement universal suffrage for the LegCo. <li data-bbox="890 1682 1506 1973">• Moving towards universal suffrage in this direction will be conducive to enhancing the legitimacy of the CE and realizing the principle of an executive-led system as stipulated in the Basic Law. Furthermore, with the experience gained from

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selecting the CE by universal suffrage, this will create favourable conditions for implementing universal suffrage for the LegCo, facilitate the public in forging consensus and thus turning a new page in constitutional development.

- We should actively create favourable conditions for constitutional development, including accelerating the economic integration of Hong Kong and the Mainland so as to build a solid economic foundation for constitutional development; nurturing political talents; and strengthening national education to promote Hong Kong people's understanding of the concept of "one country" and the Basic Law. Hence, the aim of attaining universal suffrage as stipulated in the Basic Law can be achieved as early as possible.

Hon. Emily LAU Wai-hing
(Proposals for the Policy
Address)

21.8.2006

- To abolish FCs as soon as possible and elect all LegCo Members on the basis of "one person, one vote".
- If FCs cannot be abolished at once, at least company/corporate votes should be abolished and the electorate base for the FCs should be expanded to allow more members of the public to participate in the election.

<u>Organizations/individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
The Hong Kong Social Workers Association (Views on the 2006 Policy Address)	29.8.2006	<ul style="list-style-type: none"> • To formulate a timetable for implementing universal suffrage for the two elections and elect all LegCo Members by universal suffrage as soon as possible. • Before all LegCo Members are elected by universal suffrage, broaden the electorate base of FC elections.
The Civic Party (Civic Party's Policy Expectations of the SAR Government)	31.8.2006	<ul style="list-style-type: none"> • Hong Kong has long acquired the conditions for implementing universal suffrage for the two elections. Democratic elections by equal and universal suffrage are the basic conditions for any city which claims to be an "international city". • The CE has tasked the Commission on Strategic Development, with all of its members appointed, as the main platform to discuss a roadmap and timetable for universal suffrage. However, the conclusions of the Commission cannot replace the views of the public. The Policy Address to be delivered in October should announce an immediate commencement of a public consultation exercise on the issue.
Democratic Party (Submitted at the consultation session on the 2006/07 Policy	4.9.2006	<ul style="list-style-type: none"> • Propose to adopt a mixed system of a "single seat single vote system" and a "proportional

<u>Organizations/individuals making the submissions</u>	<u>Date of Submission</u>	<u>Summary of Views</u>
Address)		representation system”. Each voter will have two votes for electing all LegCo Members.
Ms. Regina IP LAU Suk-yee	9.2006	<ul style="list-style-type: none"> • Object to the proposal of implementing a bicameral system in order to preserve the FCs. • The principles of “balanced representation” and “facilitation of a capitalist economy” can be preserved by the HKSAR adopting a mixed system. • A mixed system means seats in LegCo may be divided into two categories: <ol style="list-style-type: none"> 1) Seats in multi-member GCs which may be returned by elections in the districts as at present, and seats to be filled by candidates on a party list; 2) Each voter may be given two votes: a vote in a GC and a vote for a candidate from the party list. In both categories, the number of candidates from each party will depend on the number of votes cast for candidates on a party list. • Such a mixed system, which may be called “parallel geographical-party list” system, would have the advantage of

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		enabling two categories of candidates, those who focus on representation of local interests in GCs, and those who focus on broader, Hong Kong-wide issues to stand for elections.
Civic Exchange	21.11.2006	<ul style="list-style-type: none"> • To retain FC as they are will likely reinforce public suspicions that the current political system unfairly favours certain groups, particularly business interests. • Bicameralism has been proposed as a possible solution. We believe this concept has not been fully explored. • If the HKSARG is willing to be frank with the people of Hong Kong on the necessity to retain FCs and to show a genuine openness in examining how the FC election system can be overhauled, it may well lead to the possibility of moving the constitutional development debate forward.
Kowloon Federation of Associations	4.12.2006	<ul style="list-style-type: none"> • Should first handle the issue of selecting the CE by universal suffrage. With the experience and insight gained from implementing universal suffrage for the CE, it would be a practical way to implement universal suffrage for LegCo afterwards.

**Public views on possible models for
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Written submissions received by the Legislative Council

<u>Organisations/individuals making the submissions</u> (Submission No. ^{Note})	<u>Date of Submission</u>	<u>Summary of Views</u>
Dr Anthony B L CHEUNG (Submission No. 15 in Appendix II to LC Paper No. CB(2)2386/05-06(01))	27.1.2000	<ul style="list-style-type: none">• Ways to move to a democratically elected LegCo –<ul style="list-style-type: none">(a) all 60 LegCo seats to be directly elected on a GC basis; or(b) 30 seats to be directly elected on a GC basis and the remaining 30 on a territory-wide single-list system so as to achieve mixed representation of local and territory-wide interests; or(c) 30 seats to be directly elected on a GC basis and 30 FC seats on a universal franchise basis (each voter is eligible to vote in one GC and one FC).• To allay concerns of the business and professional sectors about direct election, the number of LegCo seats can be increased to, say, 100 or 120 to provide greater chance for elite members of the community to be elected to LegCo under the proportional representation voting system.

<u>Organisations/individuals making the submissions</u> (Submission No. ^{Note})	<u>Date of Submission</u>	<u>Summary of Views</u>
Mr KY SHAW (Submission No. 18 in Appendix II to LC Paper No. CB(2)2386/05-06(01))	14.2.2000	LegCo Members to be elected on a GC basis. The delineation of GC boundaries is open to discussion, and the number of seats in a GC should be in direct proportion to the population of the GC.
Association for the Advancement of Feminism (Submission No. 14 in Appendix II to LC Paper No. CB(2)2386/05-06(01))	9.11.2005	<ul style="list-style-type: none"> • Abolish FCs. • All Members to be elected by way of direct elections on the basis of GCs.
Hong Kong Christian Institute (Submission No. 17 in Appendix II to LC Paper No. CB(2)2386/05-06(01))	12.11.2005	All 60 Members to be returned by GCs under a “one person, one vote” and a simple majority system.
Shatin Tertiary Students’ Association (Submission No. 20 in Appendix II to LC Paper No. CB(2)2386/05-06(01))	12.11.2005	<ul style="list-style-type: none"> • Explore the possibility of implementing a bicameral legislature. • Universal suffrage could take the form of direct or indirect election.

Note: Please refer to the Legislative Council webpage for the original text of the submission (LC Paper No. CB(2)2386/05-06(01)).
(www.legco.gov.hk/yr05-06/english/panels/ca/papers/ca0619cb2-2386-1e.pdf)

**Written Submissions Received by
the Committee on Governance and Political Development of the
Commission on Strategic Development**

<u>Members Submitting Views</u>	<u>Date of Submission</u>	<u>Summary of Views</u> ^{Note}
Miss TAM Wai-chu, Maria	29.11.2005	<ul style="list-style-type: none">• Apart from considering the options of eliminating the FCs altogether or implementing a bicameral system, a third option could be universal suffrage with designated seats with candidates nominated by FCs.• The separate voting system now in place can be retained under this model.
Hon. LEE Cheuk-yan	1.2006	<ul style="list-style-type: none">• The FC system should be abolished as soon as possible.• Before the abolition of FC elections, the Government should introduce the following two reform measures:<ul style="list-style-type: none">(a) expand the electorate base of FCs - replacing corporate votes with individual votes (for example, expanding the electorate base of the Labour FC to cover all members of the registered trade unions); and(b) review the need to retain FCs with little competition in elections – consider abolishing these FCs or merging them with other FCs.
Dr. LEUNG Mei-fun, Priscilla	16.1.2006	In the process of developing the existing system towards the ultimate aim of universal suffrage, we may consider:

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		<p>(a) gradually reducing the number of FCs, starting with turning those FCs which support universal suffrage into GC seats, and ultimately abolishing all FCs.</p> <p>(b) abolishing corporate votes of FCs. FC representatives should be elected by eligible voters in the respective FCs by “one person, one vote”. Voters in FCs must be clearly delineated.</p> <p>(c) If it is not possible to reduce the number of FCs, we may consider introducing more FCs and re-delineating the electorate of the FCs to pave way for reform e.g. adding a Chinese medicine FC, a higher education FC, an environmental protection FC, a publishing FC or any other FCs which should have been represented in the LegCo. There may even be a FC for homemakers. In the end, LegCo members returned by FCs would be as representative as those returned by GCs through direct elections.</p>
Hon. SHEK Lai-him, Abraham	19.1.2006	<ul style="list-style-type: none"> • In the light of political reality, if FCs are abolished, it would be difficult to realize a political system that can meet the interests of different sectors of society and facilitate the development of a capitalist economy. • If the design of a bicameral system can reflect the actual situation of Hong Kong and help resolve the complicated issues relating to the design of the political structure, it will be worthwhile to examine and explore this option. • In the event that a bicameral system is adopted for LegCo in future, and if

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Mr. CHAN Chung-bun, Bunny	20.1.2006	<p>members returned by FCs are to form the second chamber, the electorate base of these FCs could be expanded suitably. For example, a “one person, one vote” system could be adopted for professional sectors where voters are professionally qualified and have certain years of experience in the related trades. Moreover, the existing corporate voting system should be maintained to protect the interest of investors.</p> <ul style="list-style-type: none"> • Should examine ways to retain FCs and to strengthen their roles, operation and functions. • At present, many people have not yet been included in FCs. There is a need to work out feasible arrangements enabling the concerned people, including those who are not working such as housewives, to also have two votes. • As for FC elections, all organizations should adopt an open and competitive process as far as practicable to allow all electors in the constituencies to vote for their LegCo representatives.
Mr. LAU Keung	Nai 1.3.2006	<ul style="list-style-type: none"> • Under the principle of “gradual and orderly progress” of constitutional development, it appears that some sort of transitional arrangement is inevitable. In this regard, a bicameral system is currently discussed most. • The option of a bicameral system recognizes that certain interests of Hong Kong, including the interests of the Central

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		<p>Authorities in Hong Kong, require special regard on a long-term basis, and that a bicameral system should be a long-term arrangement. As such, the upper house should have more extensive veto power, which should at least cover bills relating to constitutional reform and the relationship between the Central Authorities and the SAR, private bills proposed by members of the lower house, and other important bills which currently require the endorsement of a two-third majority of the LegCo.</p> <ul style="list-style-type: none"> • To achieve the ultimate aim of having all LegCo seats returned by universal suffrage, one possible method is that the seats in the upper house be nominated by the respective FCs, and be elected by “one person one vote”. This could likely avoid the need to amend the Basic Law.
Hon. LEE Wing Tat	5.2006	<ul style="list-style-type: none"> • All the present 30 FC seats in LegCo should be abolished and be returned by universal suffrage instead. • Consideration should be given to a mixed election model combining the “single seat single vote system” and the “proportional representation system”, where all LegCo Members will be returned through elections by “one person, two votes”. • Under this model, LegCo seats will be divided into two groups. The first group will be returned by a “single seat single vote system”. The whole Hong Kong will be divided into certain number of constituencies based on population ratio. Another group of seats (half of all seats)

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will be returned by a proportional representation system. The whole of Hong Kong will form a single constituency. In other words, each elector will have two votes for electing LegCo Members.

- Regarding the criteria for delineation of constituencies, under the proposed option, 30 LegCo members will be returned by GCs on a “single seat single vote” basis. In other words, 30 constituencies will be delineated across the territory according to population ratio, each returning one LegCo Member.
- Apart from the population quota, it is proposed that other criteria provided for in the existing legislation should continue to be adopted. These include community identities, the preservation of local ties and physical features of the relevant areas etc. As for the existing boundaries of districts and GCs, they will need to be delineated afresh.
- On the voting system, under the proposed model, a “single seat single vote system” will be adopted for GC elections, and a “proportional representation system” adopted for the single constituency covering the whole territory. It is proposed that the “list voting system” under the “proportional representation system” should continue to be adopted, and that the election results should be determined by the largest remainder formula. Such election method is familiar to the public. Review could be conducted in future as necessary.

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Mr. CHAN Chung Bun, Bunny	26.5.2006	<ul style="list-style-type: none"> • As the FCs have been playing a very important role in the LegCo and in the community at large, consideration should be given to preserving their role in the legislative framework. • However, the issue seems to be that, conceptually, under a LegCo with all members returned by universal suffrage, there should no longer be any FCs. Even if we further enhance the role of FCs, the continual existence of FCs should only be temporary and the FCs should be abolished eventually. • If there is sufficient support for preserving the FCs, the direction should be that the composition and election method of the FCs should remain unchanged. Only by doing so will it be consistent with the view that FCs are indispensable. • Increasing the number of seats in the “District Council FC” for LegCo election will enhance the representativeness of the FCs as members of the District Councils are elected by all GC voters. • Another possible option is to add new LegCo FCs so that eligible voters who are currently not covered by the FCs, such as housewives, employees in business entities, persons without professional qualifications and students having reached the voting age, will be included. The ultimate aim is that all eligible voters are covered by the FCs. Under this model, all eligible voters will have two votes each, i.e. one for a GC and one for an FC.

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Hon. SHEK Lai-him, Abraham	22.9.2006	<ul style="list-style-type: none"> • In the future LegCo formed by universal suffrage, half of the seats should be allocated to FC members. • Regarding the method for returning FC Members, candidates should be nominated by voters in their respective FCs for election by universal suffrage. Candidates should be required to obtain support from at least 30% of the voters in the relevant trade to become eligible for running the election. • To abolish corporate voting cannot meet the principle of “facilitate the development of a capitalist economy”. • After implementation of universal suffrage, candidates nominated by FCs will need to stand for election on the basis of “one-person-one-vote”. Candidates will have wider legitimacy and will be able to truly represent their respective trades if corporate voting can be retained. • Since FC Members will be returned by universal suffrage, it would be meaningless to expand the electorate base of FCs. To expand the electorate base of FCs would only give rise to more disputes concerning how to determine the eligibility of voters.
Miss TAM Wai-chu, Maria	22.9.2006	A legislature with half of its members returned by GCs through direct election and half by FCs is indeed more representative. As a matter of fact, such a legislature has helped maintain Hong Kong’s long term social stability and had helped ensure that the Government policies would take fuller account of the interests of different sectors. It is on this basis that the nomination right of FCs should be retained

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when moving towards universal suffrage.		
Dr. LEUNG Mei-fun, Priscilla, Prof CHENG Kwok-hon, Leonard	22.9.2006	<ul style="list-style-type: none"> On the basis of the current arrangements, there should continue to be equal number of seats for FC and GC Members. The number of seats could be increased on the same proportion. The 30 FC seats should form a separate chamber. To introduce the concept of “one council two groups”. To require separate voting by the “FC group” and the group returned by universal suffrage on passage of bills, thereby formally separating the two groups. Through returning FC Members by universal suffrage, not only can the ultimate aim of forming LegCo by universal suffrage as stipulated in the Basic Law be achieved, the interests of the relevant trades and different sectors can also be met. FCs: <u>First Phase</u> <ol style="list-style-type: none"> <u>To expand the electorate base and the constituencies</u> Once the principle that a candidate must come from his respective trade is laid down, all eligible voters can either select the candidates on the basis of “constituency”, or select the candidates by marking on the list of candidates for each FC. <u>Abolishing corporate voting in the FCs</u> FC representatives should be elected by eligible voters in the respective FCs by “one-person-one-vote”. Voters in FCs

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must be clearly delineated.

(3) Adding more FCs

If it is not possible to reduce the number of FCs gradually, consideration can be given to introducing more FCs and re-delineating the electorate of the FCs to pave way for reform. Some proposed new FCs include Chinese medicine, higher education, environmental protection, publication or any other sectors which should have been represented in the LegCo. There could even be a “comprehensive FC” to cover all those voters who are not included in any other FCs.

Second Phase

To allow all voters to vote at FCs (i.e. voters will have one vote to return directly elected members and other votes to return all FC Members).

Third Phase

Should only consider abolishing all FC seats and returning all seats by universal suffrage when the necessary pre-conditions are ready.

Mr. YU Kwok-chun	27.9.2006	FCs should be retained when universal suffrage is implemented; the roles and functions of FCs should be substantiated.
Ms. Janie FONG	6.10.2006	<ul style="list-style-type: none"> Models with nominated FC candidates elected by universal suffrage, along with open elections of GCs through direct elections may serve as viable solutions to ensure a certain level of stability in the policy making process with experienced and

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proven legislative policy leaders during the transition process.

- The proposed bicameral system requires careful review as to whether it is legally viable and conforms to the Basic Law.

Note: Please refer to the Central Policy Unit webpage (“Committee on Governance and Political Development- Submissions from Members) –for the original text of the submissions.

(www.cpu.gov.hk/english/csd_gc_submissions_meeting.htm)

Related views raised by Members at previous meetings have been recorded in the summary of views expressed at the meetings. Members are welcome to continue to express their views.