

**Summary of the views expressed at
the Tenth Meeting of
the Committee on Governance and Political Development
of the Commission on Strategic Development
held on 21 June 2007**

(Translation)

The Chairman welcomed members to the tenth meeting of the Committee.

Matters arising from the last meeting

2. The Chairman informed the meeting that the Constitutional Affairs Bureau had prepared two discussion papers (CSD/GC/5/2007 and CSD/GC/6/2007) which summarized views expressed by members so far on the models, roadmap and timetable for electing the Chief Executive (CE) and forming the Legislative Council (LegCo) by universal suffrage. They provided a basis for the drafting of the Green Paper on Constitutional Development (the Green Paper) by the HKSAR Government.

3. The Chairman made the following remarks before the discussion:

- (a) As regards models for electing the CE by universal suffrage, there had been extensive discussions recently in the public and media on the issue of “nomination in accordance with democratic procedures”. Members had also had a preliminary discussion on the issue at the last meeting.
- (b) A member remarked that according to Article 45 of the Basic Law, nomination should only be made by the nominating committee itself, and not by a certain number of members or an individual member. He considered that contenders should be given the opportunity to explain their election platform to the nominating committee. Thereafter, candidates should be nominated by the nominating committee to participate in the election of the CE by universal suffrage. The stance of the HKSAR Government was that we had to comply with the provisions of the Basic Law.

- (c) For discussions on the models, roadmap and timetable for electing the CE by universal suffrage, members had generally formed mainstream views on a number of related issues. The crux of the matter was whether there should be a transition from the existing electoral model to universal suffrage, or attaining the ultimate aim of universal suffrage in one go by forming the nominating committee directly.
- (d) As regards the specific timetable for electing the CE by universal suffrage, some members proposed attaining universal suffrage in one go by forming the nominating committee directly in 2012, while some other members suggested first going through a transition and implementing universal suffrage in 2017 or after.
- (e) Regarding the formation of LegCo by universal suffrage, members still had significant differences on the model for forming LegCo by universal suffrage after rounds of discussion. Members were far from reaching the level of consensus attained in the election model of the CE, especially on the future of functional constituency (FC) seats.
- (f) The formulation of a roadmap and a timetable for forming LegCo by universal suffrage would depend on whether the community would reach a consensus on “universal suffrage for the CE preceding that for LegCo”. At present, the Committee was having more in-depth discussions on electing the CE by universal suffrage and had begun to form mainstream views on certain issues in this respect. However, the Committee had not yet formed mainstream views on whether the ultimate aim of forming LegCo by universal suffrage should be attained in phases.
- (g) At the last meeting, quite a number of members opined that consideration could be given to follow the direction of “resolving the simple issues before the difficult ones” in taking forward constitutional development and universal suffrage for electing the CE should be implemented first. The Chairman hoped that members could further discuss at this meeting (i) whether all FC seats should be replaced by district-based seats returned through direct election or whether the electoral method for FC seats should be changed; and (ii) whether universal suffrage for forming LegCo should be attained in one go, or in phases.

- (h) This was the last meeting of the Committee before the publication of the Green Paper by the HKSAR Government in mid-2007. The Chairman hoped that members would continue to discuss in-depth relevant issues in an open, pragmatic and accommodating manner, so as to narrow differences further and provide a clearer direction for the public consultation exercise of the Green Paper.

Summary of discussions on the models, roadmap and timetable for electing the Chief Executive by universal suffrage (Paper No. CSD/GC/5/2007)

4. Regarding the models, roadmap and timetable for electing the CE by universal suffrage, members expressed the following views.

Composition and size of the nominating committee

Number of subscribers required for nominating a candidate

5. Most members were inclined to support using the composition of the existing Election Committee as a basis to consider that of the nominating committee. The nominating committee should be broadly representative, allowing the participation of different sectors of the community.

6. A member suggested increasing the membership of the nominating committee to 1 600. The number of seats for each of the existing four sectors should be increased evenly and the ratio of the membership among sectors should not be changed.

7. In classifying options for forming the nominating committee, a member proposed considering aspects such as the composition, representativeness and method of returning members instead of referring to membership size only.

Method of nomination

8. On the nomination threshold, most members were inclined to support that at the early stage of implementing universal suffrage, the nomination threshold should not be too low. They supported first setting up a relatively higher nomination threshold to help forge consensus among different sectors in the community so as to implement universal suffrage at

an early date. The nomination threshold could evolve gradually after universal suffrage had been implemented. This would be consistent with the Basic Law principle of “gradual and orderly progress”. A member also pointed out that the course of evolution of the nomination threshold should not be predetermined at this stage, considering that it should be subject to adjustment according to the objective political situation. However, another member opined that the option would not appeal to certain quarters of the community if it did not clearly set out how the nomination threshold would be progressively lowered in future.

9. Some members agreed that the nominating committee should adopt the nomination threshold (i.e. 12.5%) currently adopted by the Election Committee for the following reasons:

- (a) This nomination threshold had been adopted by the Election Committee for a long time and so it would be more readily accepted by the general public.
- (b) Experience from previous CE elections indicated that a threshold at 12.5% had not resulted in returning too many candidates.
- (c) The community at large looked forward to competition in electing the CE by universal suffrage and hoped that people of different political affiliations could have opportunities to stand for the election. This could help enhance the legitimacy of the CE-elect. Thus, the nomination method should not include an unnecessary high nomination threshold or a screening mechanism. It was considered appropriate to maintain the nomination threshold currently adopted by the Election Committee.

10. A member suggested considering the requirement specified in Article 45 of the Basic Law from a legal perspective in determining whether the nominating committee as a whole or its individual member was the entity responsible for nomination. He opined that requiring a contender to secure only a certain number of nominations from members of the nominating committee to become a formal candidate in a CE election was inconsistent with the requirement of “nomination by a broadly representative nominating committee in accordance with democratic procedures” as stated in Article 45 of the Basic Law. He suggested that an aspiring contender should be eligible to compete for CE candidacy if his candidacy was recommended by any one member of the nominating

committee and seconded by another member. The nominating committee should then return, through democratic procedures, two to three formal candidates for the election of the CE by universal suffrage on the basis of one-person-one-vote.

11. A member remarked that setting a nomination threshold was essential and its level should be considered in designing the nomination method. For instance, if candidates were to be nominated by the nominating committee as a whole, issues such as the number of nominations a member of the nominating committee could make and the number of nominations a contender should obtain before he could formally become a candidate should be determined.

Nomination in accordance with democratic procedures

12. A member took the view that no matter the nomination was made by the nominating committee as a whole or by a certain number of individual members in accordance with the model of the existing Election Committee, both methods were consistent with the requirement of “nomination in accordance with democratic procedures” as stipulated in Article 45 of the Basic Law.

13. A member was of the view that the essence of “nomination in accordance with democratic procedures” was that the nomination procedures should be open, fair and equal. Firstly, securing sufficient signatures from members of the nominating committee behind closed doors could hardly comply with the principle of openness; secondly, it would only be fair when all members of the nominating committee would have the chance to meet with all the contenders, and each contender would have the opportunity to meet with all the members; thirdly, all nominations should be equal and no individual members should have a veto power.

14. Some other members agreed to the option of nomination by the nominating committee as a whole and nominating candidates (for example, returning two candidates) in accordance with democratic procedures for participation in the CE election by universal suffrage. This could avoid wasting public resources and polarizing the community as a result of having too many candidates, and ensure that the CE-elect would have the support of more than half of the voters.

15. However, some members opined that the public might consider the election of formal candidates by the nominating committee as a preliminary election. They were concerned that the nominating committee would become a screening tool which might leave the public with no real chance to select the CE of their own choice.

Other nomination requirements

16. As regards whether contenders should be required to obtain a certain number of nominations in each sector, a member suggested that a minimum nomination threshold (e.g. 5% to 6%) should be set for each sector to ensure that candidates returned had a broad representativeness. The proposed arrangement would not confer a veto power on any sector.

17. However, a member opined that contenders should not be required to obtain a certain number of nominations in each sector. The reason was that a broadly representative nominating committee would comprise members from different sectors. They should take into account the overall interests of Hong Kong rather than those of a particular stratum or sector.

Method of election by universal suffrage after nomination

18. A member quoted the presidential election in France, where a contender was required to secure support from 500 members of the legislature before they could enter a round of election by universal suffrage to return two candidates among the contenders, to be followed by another round of election by universal suffrage to return the president.

19. Members had not discussed in depth whether there should be one or more than one round of election.

Roadmap and timetable for implementing universal suffrage for the CE

20. Members generally agreed that public views on electing the CE by universal suffrage were comparatively less diverse. Quite a number of members supported the direction of “resolving the simple issues before the difficult ones” on the ground that the arrangement would conform to the political reality and the principle of “gradual and orderly progress”. While agreeing that discussions on universal suffrage for the CE and LegCo could proceed concurrently, they noted a higher chance for the

community to reach consensus first on the model for electing the CE by universal suffrage. Therefore, they supported the direction of “universal suffrage for the CE preceding that for LegCo”, and considered that the election of the CE and the formation of LegCo by universal suffrage should not be bundled together.

21. A member pointed out that CE and LegCo elections could be handled separately as the provisions for the electoral methods of the two elections were stipulated in Annex I and Annex II to the Basic Law separately. Any amendment to the methods for electing the CE or forming LegCo required the endorsement of a two-third majority of all the members of LegCo, the consent of the CE, and approval or acceptance for the record by the Standing Committee of the National People’s Congress. Furthermore, it was technically necessary to put forward two separate proposals to amend the methods for electing the CE and forming LegCo.

22. A member also pointed out that election of the CE by universal suffrage should precede that for the formation of LegCo. It was not only that the election of the CE by universal suffrage would encounter fewer difficulties but also that in reality a CE not elected by universal suffrage would encounter difficulties in working with a LegCo formed by universal suffrage. This would not only seriously undermine the legitimacy of the CE but also leave the entire executive authority in a difficult position. In view of this, he considered it imperative to first implement universal suffrage for the election of the CE. This approach could also help realize and uphold the “executive-led” principle. A member considered that following the implementation of universal suffrage for electing the CE, the relationship between the executive and the legislature would still have to be rationalized so as to ensure smooth governance.

23. Regarding the proposal of “universal suffrage for the CE preceding that for LegCo”, some members were concerned that it might further polarize the community if universal suffrage for CE and LegCo were dealt with separately. Some people might query if it was the intention of the HKSAR Government or the Central Authorities to slow down the pace of implementing universal suffrage. A member suggested that the Government should first try to take forward universal suffrage for both elections concurrently. He considered that the public would understand the reasons behind if eventually none of the options for forming LegCo by universal suffrage could command a consensus or secure passage in LegCo.

Other views

24. In view of the summer recess of LegCo and District Councils, a member suggested extending the three-month consultation period for the Green Paper to allow more time for discussion in the community.

25. The Secretary for Constitutional Affairs (SCA) responded that the three-month consultation period for the Green Paper was a starting point for the whole process of constitutional development. The process would involve other courses of action, including amendments to Annexes I and II to the Basic Law, and extensive discussion would be required. The Government had expressly stated earlier that it would brief LegCo on the development when the Green Paper was published. Hence, LegCo members would definitely have time and opportunities to hold discussions and voice their opinions.

Summary of discussions on the models, roadmap and timetable for forming the Legislative Council by universal suffrage (Paper No. CSD/GC/6/2007)

26. Regarding the models, roadmap and timetable for forming LegCo by universal suffrage, members expressed the following views.

Models for forming LegCo by universal suffrage

27. A member referred to the electoral method of “one-person-two-votes” in paragraph 7(a) of the discussion paper (CSD/GC/6/2007). He reasoned that it could only be taken as a transitional arrangement, but not the ultimate model for forming LegCo by universal suffrage, because it was inconsistent with the principle of equal suffrage laid down in Article 25 of the International Covenant on Civil and Political Rights. As to the electoral method of “one-person-multiple-votes” in paragraph 7(b) of the paper, although it echoed with the proposal in paragraph 10(c), it might better serve as a transitional arrangement. Its compliance with the concept of equal suffrage would depend on the level of the nomination threshold to be adopted. Should the nomination threshold be set at a low level, the electoral method in paragraph 7(b) of the paper might comply with the principle of equal suffrage.

28. A member shared the views that there might be conflict between the ultimate models for universal suffrage set out in paragraph 7 of the

paper and the proposed transitional arrangements in paragraph 10 of the same paper. He also considered that the option set out in paragraph 7(b) of the paper would better serve a transitional arrangement.

29. A member considered that the “one-person-multiple-votes” approach, if implemented, could run into considerable difficulties. He thus kept an open mind on the adoption of the “one-person-two-votes” method, maintaining that this could be taken as the ultimate model for universal suffrage. However, another member considered that both the “one-person-two-votes” and “one-person-multiple-votes” methods were not feasible politically as they would only turn the election arrangement of FC to a form of universal suffrage.

30. A member suggested amending the proposal in paragraph 10(d) of the discussion paper to “to merge or abolish the FC seats in phases”. As to how the FC seats should be merged or abolished, he opined that it should be implemented in a gradual and orderly manner and in accordance with the principles of fairness and equity. In response, another member pointed out that in the merging of FC seats, there might be unfairness arising from differences in the size of the constituencies and the sequence for merging.

Whether FC seats should be abolished altogether

31. A member considered that the meaning of universal suffrage encompassed not only equal number of votes among voters but also equal opportunities among contenders. He suggested that FC seats should be abolished altogether in the long run because FCs were not consistent with the principle of universal suffrage.

32. A member opined that FC seats should be abolished altogether when universal suffrage was implemented ultimately because the scope of the existing FCs was not broad enough with some sectors having no representatives. He suggested replacing the existing FC elections by occupational constituency elections. The design of the latter should be fairer as it provided opportunities for people of different occupations to take part in LegCo elections.

33. On the other hand, a member considered that FC seats should not be abolished altogether. He reasoned that each place would have an election method featuring its own characteristics, and that FCs were consistent with the principle of “balanced participation”.

Roadmap and timetable for forming LegCo by universal suffrage

34. A member remarked that one of the crucial issues in taking forward universal suffrage for LegCo elections would be the electoral method for the 2012 LegCo election.

35. As regards the proposals that the Government had received so far, a member suggested that the Government should compare the timetables for forming LegCo by universal suffrage as set out in various options showing the respective timing for attaining universal suffrage under different proposals. He considered the “executive-led” principle the most important political principle embodied in the Basic Law. Thus, he suggested that the actual situation in Hong Kong had to be taken into account in considering the timetable for universal suffrage. The “executive-led” principle should be strengthened first before implementing universal suffrage for LegCo.

Other views

36. A member remarked that the discussion paper (CSD/GC/6/2007) had not mentioned the relationship between the development of party politics and LegCo election. He held that various political parties would compete for seats in different FCs if the option of “one-person-multiple-votes” set out in paragraph 7(b) of the discussion paper was implemented. This would help promote the development of party politics. He suggested that in designing the model for universal suffrage, consideration had to be given to the role played by political parties and whether they could replace the FCs in representing the interests of different sectors of society when FCs were abolished.

37. A member pointed out that a tiered and step-by-step approach was adopted for electing the representatives of the Heung Yee Kuk FC of LegCo. It was an approach shaped through years of evolution. The adoption of a new election method across the board for all FC seats or the abolition of all FC seats might not cater for the actual situation and needs of individual sectors.

Concluding remarks

38. In response to members’ discussion, SCA made the following remarks:

- (a) The issues raised by members concerning an executive-led system and the principles of universal suffrage had been discussed at length at the Committee's meetings.
- (b) Regarding the way forward for LegCo, including the method for its formation, the HKSAR Government would have to assess in the first place whether the proposed reform could ensure that the executive would maintain effective governance as well as reasonable and effective cooperation with different political parties. The third term HKSAR Government would keep up its efforts in exploring ways to enhance cooperation and establish ties with political parties under the executive-led principle.
- (c) With respect to the suggestion set out in paragraphs 10(e) and 11 of the discussion paper (CSD/GC/6/2007) that consideration should be given to increasing the number of directly elected district-based seats in LegCo and the number of LegCo seats returned by members of District Councils electing amongst themselves in future, members were invited to express further views in writing.

39. The Chairman concluded members' discussion by making the following remarks:

- (a) The Chairman said that he would honour his pledge made during his CE election campaign and resolve the issue of universal suffrage during his term. The Government would publish a Green Paper which aimed at reaching conclusions, identifying models for universal suffrage, ironing out differences on constitutional development among different sectors of society, and finally building a consensus. He pointed out that the model to be adopted for universal suffrage had to conform to the Basic Law.
- (b) The Chairman referred to Article 45 of the Basic Law which stipulated explicitly the requirements for electing the CE by universal suffrage, i.e. the method shall be determined in the light of the actual situation in Hong Kong and in accordance with the principle of gradual and orderly progress, and the ultimate aim was the election of the CE by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures. We had to follow the requirements

stipulated in Article 45 of the Basic Law and should seek consensus with an open mind.

- (c) Members expressed their views on the approach of “resolving the simple issues before the difficult ones” in taking forward constitutional development and implementing universal suffrage for the CE election first. Universal suffrage for the CE election should be implemented first if the community could first reach consensus on this matter. This reflected the wish of Hong Kong people for early implementation of universal suffrage.
- (d) At this meeting, the Committee had not discussed in-depth issues relating to the size of the nominating committee, the nomination threshold and the relative proportion of different sectors in the nominating committee. Nevertheless, members had already reached consensus on the principles of universal suffrage, no matter it would be “one-person-one-vote”, “one-person-multiple-votes” or in other forms.
- (e) Although members had yet to form a mainstream view on the method for forming LegCo by universal suffrage, relevant discussions and views would be set out in the Green Paper to facilitate in-depth discussion within the community. Nevertheless, we had to face the reality that any model of universal suffrage would need the support of two-thirds of LegCo members, half of which were from FCs, in order to reach a consensus. Any proposal on abolishing or merging FC seats would have to take into account the interests of the FCs in order to obtain support from different sectors and LegCo members so as to achieve the aim of forming LegCo by universal suffrage.
- (f) It was important that Hong Kong people should trust the Central Government and strengthen mutual confidence. Only then would it be possible to reach consensus on issues concerning universal suffrage, maintain prosperity and stability for Hong Kong, safeguard the interests of the general public and enhance social harmony.

40. This was the last meeting of the Committee before the current term of the Commission expired. The Chairman expressed his gratitude to members for their support to the Commission all along. The Chairman

pointed out that the Committee was established at the end of November 2005 with the objective to start up discussion on issues relating to universal suffrage. The Committee had indeed promoted discussions on universal suffrage among different sectors of society and members of the public, and provided a basis for the HKSAR Government to conduct public consultation over the models, roadmap and timetable for the implementation of universal suffrage in its drive to take forward the development of a democratic political system in Hong Kong. During the past year and a half, members had also given valuable advice on issues concerning the upgrading of the quality of governance, such as further development of the political appointment system and the review on the role, functions and composition of District Councils. The Commission would continue to operate and serve as the most important advisory body to the CE in the third term HKSAR Government. The Chairman hoped that all members and the community would continue to adopt an open and accommodating attitude in their discussion, and forge a consensus on issues pertaining to election of the CE and formation of LegCo by universal suffrage in the coming three months of consultation.

41. The attendance list is attached at the Annex.

Secretariat to the Commission on Strategic Development
July 2007

策略發展委員會
管治及政治發展委員會第十次會議
2007年6月21日

Tenth Meeting of
the Committee on Governance and Political Development
of the Commission on Strategic Development
21 June 2007

出席人士
Attendance List

主席：
Chairman：

The Chief Executive

行政長官

官方委員：
Official Members：

Head, Central Policy Unit
Director, Chief Executive's Office

中央政策組首席顧問
行政長官辦公室主任

非官方委員：
Non-Official Members：

Mr CHAN Chung-bun, Bunny, B.B.S., J.P.
Mr CHAU How-chen, G.B.S., J.P.
Prof CHEN Hung-yee, Albert, J.P.
Mr CHEN Nan-lok, Philip, S.B.S., J.P.
Prof CHENG Kwok-hon, Leonard
Mr CHEUNG Chi-kong
Mr CHOW Yick-hay, B.B.S., J.P.
Mr CHOW Yung, Robert, B.B.S.
Ms FONG, Janie
Mr HOO, Alan, S.B.S., J.P.
Ms KO Po-ling, M.H.
Prof KUAN Hsin-chi
Prof LEE Chack-fan, S.B.S., J.P.
The Hon LEE Wing-tat

陳振彬先生, B.B.S., J.P.
周厚澄先生, G.B.S., J.P.
陳弘毅教授, J.P.
陳南祿先生, S.B.S., J.P.
鄭國漢教授
張志剛先生
周奕希先生, B.B.S., J.P.
周融先生, B.B.S.
方文靜女士
胡漢清先生, S.B.S., J.P.
高寶齡女士, M.H.
關信基教授
李焯芬教授, S.B.S., J.P.
李永達議員

Dr LEUNG Mei-fun, Priscilla
Mr LIE-A-CHEONG Tai-chong, David, J.P.
Dr LO Chi-kin, J.P.
Mr LUI Tim-leung, Tim, J.P.
Mr MOK Hon-fai
Mr NG Sze-fuk, George, S.B.S., J.P.
The Hon SHEK Lai-him, Abraham, J.P.
Mr SZE Chin-hung, Jerome, J.P.
Mr TAM Kwok-kiu, M.H., J.P.
Miss TAM Wai-chu, Maria, G.B.S., J.P.
The Hon TIEN Pei-chun, James, G.B.S., J.P.
Mr WONG Wai-yin, Zachary
Mr WONG Ying-ho, Kennedy, B.B.S., J.P.
Mr YU Kwok-chun, G.B.S., J.P.
Dr ZHOU Ba-jun

梁美芬博士
李大壯先生, J.P.
盧子健博士, J.P.
雷添良先生, J.P.
莫漢輝先生
吳仕福先生, S.B.S., J.P.
石禮謙議員, J.P.
施展熊先生, J.P.
譚國僑先生, M.H., J.P.
譚惠珠女士, G.B.S., J.P.
田北俊議員, G.B.S., J.P.
黃偉賢先生
黃英豪先生, B.B.S., J.P.
余國春先生, G.B.S., J.P.
周八駿博士

列席

In Attendance

Secretary for Constitutional Affairs
Permanent Secretary for Constitutional Affairs
Deputy Secretary for Constitutional Affairs (1)

政制事務局局長
政制事務局常任秘書長
政制事務局副秘書長(1)

因事未能出席

Apologies

非官方委員 :

Non-Official Members :

Mr CHAN Tak-lam, Norman, S.B.S., J.P.
The Hon CHEUNG Hok-ming, S.B.S., J.P.
Mr CHOW Charn-ki, Kenneth
Ms CHOW, Wendy
Mr FUNG, Daniel R., S.B.S., J.P.
Mr LAU Nai-keung
The Hon LEE Cheuk-yan
The Hon MA Lik, G.B.S., J.P.
Dr WANG Xiao-qiang
Mr WONG Kong-hon, S.B.S., J.P.

陳德霖先生, S.B.S., J.P.
張學明議員, S.B.S., J.P.
鄒燦基先生
周君倩女士
馮華健先生, S.B.S., J.P.
劉迺強先生
李卓人議員
馬力議員, G.B.S., J.P.
王小強博士
黃光漢先生, S.B.S., J.P.