

**Summary of the views expressed at
the Fifth Meeting of
the Committee on Governance and Political Development
of the Commission on Strategic Development
held on 28 July 2006**

(Translation)

The Chairman welcomed Members to the fifth meeting of the Committee.

Matters arising from the last meeting

Conclusions on discussion on the concepts and principles relating to universal suffrage

2. It was agreed at the last meeting that the Government would, in the light of members' comments, revise the report on the conclusions on discussion on the concepts and principles relating to universal suffrage, and issue the finalised report to members for retention. The Chairman said that the Secretariat had issued the finalized report to members on 7 June 2006. He said that some members had jointly put forth supplementary comments on the finalized report, which had been forwarded to members for information.

Workshop on the consultation document on the review on the role, functions and composition of District Councils

3. It was agreed at the last meeting that a workshop would be organized after the release of the consultation document on the review on the role, functions and composition of District Councils to allow members to express their views on the issue. The Chairman said that the workshop had been held on 27 June and that the summary of views expressed at the workshop had been issued to Members on 26 July.

Workshop on the consultation document on the further development of the political appointment system

4. At the third Committee meeting, members agreed that a workshop would be organized after the release of the consultation document

on further development of the political appointment system. The Chairman said that the Government had released the consultation document on 26 July 2006. The Secretariat, together with CAB, would organize a workshop in September for members to express their views on the issue. The Secretariat would inform Members of the detailed arrangements in due course.

[Post-meeting note: The workshop will be held on 25 September 2006.]

Discussion on possible models for selecting the Chief Executive by universal suffrage

5. Before discussion, the Chairman made the following remarks about the issue of constitutional development:

- (a) The Government had been handling the issue of constitutional development seriously, and in strict accordance with the requirements of the Basic Law. The Government's role was to actively help forge a consensus within the community on constitutional development. In order to achieve that, all sectors of the community must deal with the issue in a pragmatic, sensible and accommodating manner, and must also be patient and willing to listen to different views.
- (b) Last year, the Government had done its utmost with the greatest sincerity to promote constitutional development in Hong Kong. The proposed package for the electoral methods for 2007/08 put forth by the Government last year would have substantively enhanced the democratic element in the two electoral methods, and would have moved towards the ultimate aim of universal suffrage. Although the package was supported by the majority of the public, it was not endorsed by a two-thirds majority of all Legislative Council (LegCo) Members. Hence, no change could be made to the two electoral methods. This outcome was against the wish of the public and many people regretted that the package failed to get passed LegCo.
- (c) According to the Basic Law, to take forward constitutional

development, it was necessary to secure the agreement of three parties, namely, the LegCo, the Chief Executive (CE), and the Standing Committee of the National People's Congress (NPC). Also, any proposal would require the general support of the public. This was no easy task, which required pragmatic discussion and giving due regard to the views of different sectors of society. Chanting slogan or fixing a timetable arbitrarily without putting forward any proposals on the design of a universal suffrage system would not help take forward constitutional development. On the contrary, this might hamper the progress of moving towards democracy. Last year's regrettable experience was an example.

- (d) He hoped to listen to the views of different sectors of the community through the Commission on Strategic Development (CSD), and hoped that all concerned groups and individuals would be prepared to accommodate differences and seek common ground.
- (e) The work of CSD on exploring how to implement universal suffrage had entered a new phase; CSD would commence substantive discussion on models for implementing universal suffrage for selecting the CE and forming the LegCo. Different parties and the public should take the opportunity in the coming months to put forth specific proposals and actively participate in the discussions.
- (f) As the CE, he was accountable to the Central Authorities and also the people of Hong Kong. On universal suffrage, he would fully reflect to the Central Authorities the aspirations of the Hong Kong people and the specific proposals from various sectors of the community. In accordance with the constitutional arrangement under the Basic Law, any proposal on constitutional development required the consent of the CE. Given the constitutional role of the CE, it would not be appropriate for the Government to put forward a preferred option at this stage. The Government would like to provide as much room as possible for various organisations and individuals to

express their views before drawing any conclusions. Hong Kong would then stand a better chance of reaching a consensus on the model for universal suffrage.

- (g) He hoped that members could discuss specific models for selecting the CE and forming the LegCo by universal suffrage in the latter half of this year, and conclude discussion next year. The Government would prepare a report to draw conclusions on the discussion with a view to giving Hong Kong a clearer direction towards the ultimate aim of universal suffrage. The report would be made public and submitted to the Central Authorities.

6. Regarding possible models for selecting the CE by universal suffrage, members expressed the following views.

(I) Composition of the Nominating Committee

7. Members discussed various options on the composition of the Nominating Committee.

- (i) *To use the composition of the Election Committee as a blueprint for the composition of the Nominating Committee*

8. Some members suggested using the composition of the Election Committee as a blueprint for the composition of the Nominating Committee. The major reasons included the following:

- (a) Article 45 and Annex I of the Basic Law stipulated respectively that the Nominating Committee and the Election Committee should be “broadly representative”. If the composition of the Election Committee was used as a basis, this should be conducive to forging consensus within the community on the composition of the Nominating Committee.
- (b) The composition of the Election Committee should comply with such principles as “meeting the interests of the different sectors of society” and “facilitating the development of the capitalist economy”. Making reference to the composition of the Election Committee

could ensure that the formation of the Nominating committee would comply with these principles.

- (c) The formation of the Election Committee by four sectors was a good reference. Also, using the Election Committee as a basis could help ensure the smooth operation of the Nominating Committee.

9. However, a few members considered that as the Election Committee was not broadly representative, if the composition of the Nominating Committee were to be based on that for the Election Committee, the electorate base of the Nominating Committee should be expanded (e.g. replacing corporate voting by individual voting, or re-organising the existing sectors). A member suggested that the electorate base of the Nominating Committee should be broadened to cover all eligible voters.

(ii) To form the Nominating Committee by 60 LegCo Members

10. A member suggested that the Nominating Committee should be formed by 60 LegCo Members, and that a candidate might be nominated by five LegCo Members. He considered that this proposal could limit the number of candidates, and it would not be a “legislative-led” proposal because a CE candidate would only need to secure nominations from five, rather than all, LegCo Members.

11. However, some members had reservations about the proposal for reasons which included the following:

- (a) The Basic Law had already clearly prescribed the functions of the LegCo, and had not empowered LegCo Members to nominate the CE. The proposal of allowing the LegCo to nominate the CE was not consistent with the Basic Law.
- (b) According to the Basic Law, the relationship between the executive authorities and the legislature was one of mutual regulation and coordination. The proposal of allowing the LegCo to nominate the CE was not consistent with the “executive-led” principle.

(c) During the drafting of the Basic Law, the option of nominating the CE by the LegCo had already been ruled out because this was not consistent with the “executive-led” principle.

(d) When giving their votes to LegCo Members, voters had not authorized them to nominate the CE on their behalf.

(iii) Other possible models

12. A member suggested allowing 50 000 or 100 000 voters to jointly recommend a candidate to the Nominating Committee; political parties or groups could similarly recommend candidates to the Nominating Committee. A candidate so recommended could formally become a candidate only upon endorsement by the Nominating Committee.

13. However, some members considered that the above proposal was not consistent with the Basic Law requirement that the CE should be nominated by the Nominating Committee. Moreover, even if a candidate was nominated by a large number of voters, these voters might not necessarily be broadly representative, but might only represent the interests of a certain group.

(II) Size of the Nominating Committee

14. Some members considered that the membership of the Nominating Committee should not be too large. Regarding the specific number of members of the Nominating Committee, members expressed the following views:

(a) Some members suggested modeling on the size of the Election Committee (i.e. 800) for reasons including: the 800-member Election Committee was broadly representative; too large a membership would cause operational difficulties for the Nominating Committee.

(b) A few members suggested that while the Nominating Committee could be formed by reference to the Election Committee, its membership should be expanded to 1 200 or 1 600.

As for the allocation of the additional seats, a member

suggested allocating the seats to sectors which were currently not represented in the Election Committee, rather than to District Council Members. This was to enhance the representativeness of the Nominating Committee. On the other hand, a member suggested allocating the additional seats to District Council Members.

(III) Method of Nomination

Number of subscribers for nominating candidates

15. Some members considered that, at the early stage of implementing universal suffrage, the nomination threshold should not be too low and the number of candidates should not be too large. The major reasons included the following:

- (a) The Central Authorities had the ultimate power to determine the constitutional development of the HKSAR. According to the design of the political system in the Basic Law, it was the Nominating Committee's function to screen candidates so as to avoid possible constitutional crisis arising from the refusal of appointment of the CE-elect by the Central Authorities.
- (b) While a low nomination threshold might better comply with democratic principles, it could be difficult for the Central Authorities and some sectors of the community to accept. This would in turn slow down the progress towards universal suffrage as consensus could not be reached.
- (c) Even with a higher nomination threshold, candidates would need to go through the process of universal suffrage, and hence would need to respond to the public's demands to solicit their votes.

16. On the other hand, a member considered that the current threshold of 12.5% was not low and should not be increased further. A Member considered that if the threshold was too high, only a small number of candidates could stand for election, leaving the public with no choice. This would be against the principle of a democratic system.

17. Regarding the specific proposals on the nomination threshold, there were suggestions of maintaining the threshold at 12.5%, setting it at 10% to 12.5%, and raising it to 25%.

Other nomination requirements

18. A few members suggested that consideration should be given to requiring candidates to obtain a certain number of nominations in each sector, the number of which could be further discussed. A member suggested that candidates should be required to obtain the support of more than 50% subscribers in each sector.

19. However, a few members did not support the above proposal on the ground that the high threshold amounted to giving members of the Nominating Committee a veto power, instead of letting the public make a decision through election.

20. A member suggested that, to stand for election, a candidate should be required to secure nominations from 15 LegCo Members and one-fourth of the Hong Kong deputies to the NPC. This arrangement was to reflect the constitutional role of LegCo Members and Hong Kong deputies to the NPC. However, a member considered that the nomination mechanism should impose minimal restrictions, and did not agree to using Hong Kong deputies to the NPC or LegCo Members as gatekeepers.

21. Some members suggested setting an upper limit on the number of subscribers for nominating candidates (e.g. 50%), so that more aspiring individuals would have a chance to get nominated.

22. Moreover, some members suggested that each member of the Nominating Committee should nominate only one candidate. However, a few members suggested that each member should be allowed to nominate more than one candidate so that more aspiring individuals might stand for election.

(IV) Method of Universal Suffrage after Nomination

23. A few members considered that the CE should be elected through one round of election using a “first past the post” system so as to avoid wasting resources. A member considered that if a CE was returned by a low number of votes, this would cast doubt on his legitimacy, and hence

suggested that a candidate should secure more than 50% of valid votes to get elected. More than one round of election could be held if necessary.

Conclusion

24. The Chairman drew the following conclusions on members' discussions:

- (a) Regarding possible models on selecting the CE by universal suffrage, members had reached a consensus that the election of the CE by universal suffrage should be preceded by the nomination of candidates by a broadly representative nominating committee in accordance with democratic procedures.
- (b) Regarding the composition of the Nominating Committee, some members had proposed using the composition of the Election Committee as a basis. Also, a member put forth the proposal of forming the Nominating Committee by 60 LegCo Members, but some Members considered that this was not consistent with the "executive-led" principle.
- (c) Views on the method of nomination were diverse. There were views that the nomination threshold should be lowered, while there were also views that the current threshold should be maintained, or even be increased slightly. Members also mentioned the role of the Central Authorities in Hong Kong's constitutional development.
- (d) As for the method of universal suffrage after nomination, members generally agreed that the CE should be returned by "one person, one vote". Members also discussed whether one or more rounds of election should be held.
- (e) Members agreed to continue to examine the relevant specific details, particularly the composition of the Nominating Committee and the method of nomination etc. Members also agreed to discuss in more detail individual proposals. The Secretariat would organise a number of workshops during the period between September and October to facilitate members' discussion on the specific

details.

[Post-meeting note: Workshops on possible models for selecting the CE by universal suffrage will be held on 14 September and 3 October respectively.]

25. Moreover, the Chairman expressed the following views:

- (a) The Basic Law stated that any amendments to the method of electing the CE must be agreed by three parties, namely, the LegCo, the CE, and the Standing Committee of the NPC. However, we would stand little chance of improving our electoral system, and much less achieving universal suffrage, if the parties concerned were only interested in exercising veto power.
- (b) As the CE, he was accountable to the people of Hong Kong and to the Central Authorities. He would fully reflect to the Central Authorities the aspirations of the Hong Kong people on universal suffrage and specific proposals from various sectors of the community. In accordance with the constitutional arrangement under the Basic Law, any proposal on constitutional development required the consent of the CE. Hence, he would try his best to come up with a proposal which would be agreeable and acceptable to both Hong Kong people and the Central Authorities.
- (c) The Government would prepare a report to draw conclusions on the discussion of the CSD by early 2007. He hoped that this could provide a basis for further promoting constitutional development during the period from 2007 to 2012.

26. The Chairman informed Members that the next meeting would be held on 22 September.

27. The attendance list was attached at Annex.

Secretariat to the Commission on Strategic Development
September 2006

策略發展委員會
管治及政治發展委員會第五次會議
2006 年 7 月 28 日

Fifth Meeting of
the Committee on Governance and Political Development
of the Commission on Strategic Development
28 July 2006

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

中央政策組首席顧問

Director, Chief Executive's Office

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.

陳振彬先生, B.B.S., J.P.

Mr CHAN Tak-lam, Norman, S.B.S., J.P.

陳德霖先生, S.B.S., J.P.

Mr CHAU How-chen, S.B.S., J.P.

周厚澄先生, S.B.S., J.P.

Prof CHEN Hung-yee, Albert, J.P.

陳弘毅教授, J.P.

Mr CHEN Nan-lok, Philip, S.B.S., J.P.

陳南祿先生, S.B.S., J.P.

Prof CHENG Kwok-hon, Leonard

鄭國漢教授

Mr CHEUNG Chi-kong

張志剛先生

The Hon CHEUNG Hok-ming, S.B.S., J.P.

張學明議員, S.B.S., J.P.

Mr CHOW Charn-ki, Kenneth

鄒燦基先生

Ms CHOW, Wendy

周君倩女士

Mr CHOW Yick-hay, B.B.S., J.P.

周奕希先生, B.B.S., J.P.

Mr CHOW Yung, Robert

周融先生

Ms FONG, Janie

方文靜女士

Ms KO Po-ling, M.H.

高寶齡女士, M.H.

Mr LAU Nai-keung
Prof LEE Chack-fan, S.B.S., J.P.
The Hon LEE Cheuk-yan
The Hon LEE Wing-tat
Dr LEUNG Mei-fun, Priscilla
Mr LUI Tim-leung, Tim, J.P.
Mr MOK Hon-fai
Mr NG Sze-fuk, George, B.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.
Miss TAM Wai-chu, Maria, G.B.S., J.P.
Mr WONG Wai-yin, Zachary
Mr WONG Ying-ho, Kennedy, B.B.S., J.P.
Mr YU Kwok-chun, S.B.S., J.P.
Dr ZHOU Ba-jun

劉迺強先生
李焯芬教授, S.B.S., J.P.
李卓人議員
李永達議員
梁美芬博士
雷添良先生, J.P.
莫漢輝先生
吳仕福先生, B.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.
譚惠珠女士, 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, S.B.S., J.P.
周八駿博士

列席

In Attendance

Secretary for Constitutional Affairs

政制事務局局長

因事未能出席

Apologies

Mr FUNG, Daniel R., S.B.S., J.P.
Mr HOO, Alan, S.B.S., J.P.
Prof KUAN Hsin-chi
Mr LIE-A-CHEONG Tai-chong, David
Dr LO Chi-kin, J.P.
The Hon MA Lik, G.B.S., J.P.
The Hon TIEN Pei-chun, James, G.B.S., J.P.
Dr WANG Xiao-qiang
Mr WONG Kong-hon, S.B.S., J.P.

馮華健先生, S.B.S., J.P.
胡漢清先生, S.B.S., J.P.
關信基教授
李大壯先生
盧子健博士, J.P.
馬力議員, G.B.S., J.P.
田北俊議員, G.B.S., J.P.
王小強博士
黃光漢先生, S.B.S., J.P.