

**Summary of the views expressed at
the Seventh Meeting of
the Committee on Governance and Political Development
of the Commission on Strategic Development
held on 23 November 2006**

(Translation)

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

Matters arising from the last meeting

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

2. The Secretariat organised a workshop on 25 September 2006 for members to express their views on the consultation document on further development of the political appointment system.

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

3. To facilitate members' further examination and discussion of details of possible models for selecting the Chief Executive (CE) by universal suffrage, the Secretariat had organised two workshops on 14 September 2006 and 3 October 2006 respectively.

4. In addition, for members to further discuss possible models for forming the Legislative Council (LegCo) by universal suffrage, the Secretariat organised a workshop on 6 November 2006.

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

5. With regard to the issue of selecting the CE by universal suffrage, the Chairman made the following remarks before the discussion:

- (a) Regarding the composition and size of the nominating committee, quite a number of members had expressed their support in previous discussions that the composition of the Election Committee should serve as a basis to consider that of the nominating committee. On the size of the nominating committee, more members were inclined to set it within the range of 800 to 1600 members.

However, some members made other proposals, such as, forming the nominating committee by 60 LegCo members. The Chairman hoped that members would continue the discussion.

- (b) With respect to the method of nomination, members were inclined to support that at the early stage of implementing universal suffrage, the nomination threshold should not be too low. More members proposed to set the nomination threshold within the range of 12.5% to 25% of the size of the nominating committee. There was a view that candidates should be required to obtain a certain number of nominations in specific sectors.

The Chairman hoped that members would further discuss the specific nomination threshold in greater details, including whether a relatively higher nomination threshold should first be set, and allowing it to change gradually after implementation of universal suffrage.

- (c) On the method of universal suffrage after nomination, members agreed that the CE should be elected by universal suffrage on the basis of “one-person-one-vote”.

The Chairman hoped that members would further discuss whether the CE should be elected through one or more than one round of voting.

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

Composition and size of the nominating committee

7. Some members supported using the composition of the Election Committee as a basis to consider that of the nominating committee. The membership of the nominating committee should not be too large, and consideration could be given to a membership of 800, 1 200 or 1 600. Another member took the view that the membership of the nominating committee should not exceed 1 600. A member suggested increasing the number of subsectors and voters so as to enhance the participation of the public in the nominating committee and realize the principle of “balanced participation”. There was also a suggestion that using the 2007/08 proposal put forth by the Government in 2005 as a basis, the size of the nominating committee could be increased to 1 600 (e.g. including all District Council members in the nominating committee). This would be consistent with the principles of “balanced participation” and “gradual and orderly progress”.

8. A member had reservation about the suggestion of using the composition of the Election Committee as a basis to consider that of the nominating committee. He took the view that this arrangement was inconsistent with the principle of democratic election.

9. As for the proposal of forming the nominating committee by 60 LegCo members, a member opined that this proposal would not result in a “legislature-led” situation. He added that if universal suffrage was implemented on the basis of this proposal, voters would have known that LegCo members had the right to nominate CE candidates when they

elected them as LegCo members. However, another member disagreed with this proposal, pointing out that the Basic Law had already prescribed the LegCo as a legislature but had not empowered LegCo members to nominate CE candidates.

Method of nomination

Nomination threshold

10. A member opined that the nomination threshold was a key element in the design of the model for selecting the CE by universal suffrage. He took the view that in order to take the first step forward, at the early stage of implementing universal suffrage, a higher nomination threshold could be set. There would not be too many candidates standing for selection of the CE at the early stage of implementing universal suffrage. The nomination threshold could be lowered gradually after the implementation of universal suffrage. Concurring with this idea, a member suggested setting the nomination threshold initially at 25% and working out a specific timeframe for its reduction.

11. A member considered that the nomination threshold and the composition of the nominating committee were inter-related matters and considered a higher nomination threshold acceptable if the nominating committee was formed in a more democratic manner. He had reservation about the proposal of setting a higher nomination threshold initially and lowering it gradually at a later stage. He would be prepared to further discuss this proposal only if a timetable was drawn up for the lowering of the threshold.

12. Regarding the specific level of the nomination threshold, a member considered that a relatively higher threshold would ensure wider support for the candidates, and that setting the threshold at 25% would be appropriate (i.e. not more than four candidates would be nominated), though a threshold at 20% was also acceptable. Some members were of the view that it would be more appropriate to adopt the existing level at 12.5%.

13. A member however held that the spirit of a democratic election should encourage competition. He considered that the nomination threshold should be set at a lower level so that candidates from all quarters would have the opportunity to stand for election.

Other nomination requirements

14. A member suggested setting an upper limit on the number of subscribers required for nominating candidates, so that more aspiring individuals would have a chance to get nominated. Another member disagreed with this proposal and considered that the number of candidates nominated would depend on the political environment at the time of election. In his view, setting an upper limit on the number of subscribers might not necessarily guarantee that there would be more candidates to stand for election. .

15. A member suggested that consideration should be given to requiring candidates to obtain a certain number of nominations from each sector or particular sectors of the nominating committee, such as the National People's Congress and the LegCo, to be qualified as a candidate. Another member however disagreed with this proposal as this amounted to giving particular sectors a veto power.

Other related issues

16. A member opined that the procedure for nominating candidates for the CE election would have a screening effect. He therefore held that a higher nomination threshold would be inevitable. He hoped that a nomination mechanism which was acceptable to different sectors of the community, practicable and capable of promoting competition in the CE election would be formulated. A member pointed out that the proposal to establish a relatively higher nomination threshold should be further considered if it could help all parties reaching consensus on the model for universal suffrage.

17. A member suggested to consider verifying the eligibility of the candidates nominated before elections by universal suffrage were held. In

his view, this could ensure that the candidates would be acceptable to both the Central Authorities and the people of Hong Kong. The Chairman expressed that consideration should be given to whether such a proposal was consistent with the requirements of Articles 44 and 45 of the Basic Law. Any suggested nomination mechanism had to be in compliance with the Basic Law.

18. A member proposed to discuss whether the election proceedings should continue if there was only one candidate standing for the CE election. In response, the Chairman pointed out that the practice varied from place to place under such circumstances. Hong Kong could make reference to the models of other places before determining its own model.

Discussion on possible models for forming the Legislative Council by universal suffrage

19. The Chairman made the following remarks about the issue of forming the LegCo by universal suffrage before discussion:

- (a) After several rounds of discussions, it was clear that members had reservation about a bicameral system and agreed to set aside discussion of the proposal for the time being. He hoped that members would take a final view on the issue at this meeting.
- (b) Members had yet to form a mainstream view on whether functional constituency (FC) seats should be abolished altogether or retained in some form. As regards the detailed method for forming LegCo by universal suffrage, he hoped that members could further discuss such options as “one-person-one-vote”, “one-person-two-votes” and “one-person-multiple-votes”.
- (c) He proposed that members should continue to examine whether transitional arrangements should be put in place before attaining the ultimate aim of universal suffrage.

Possible models for forming the LegCo by universal suffrage

20. A member opined that in discussing models for forming the LegCo by universal suffrage, we should first exclude FCs. Another member remarked that in devising a model for forming the LegCo by universal suffrage, consideration should be given to the “equal voting rights” of voters. If there was great disparity in the number of voters among different FCs, the fact that all voters had a right to vote in the FCs should not necessarily mean that their voting rights carried an “equal value”. He therefore considered that FCs should not be retained in principle when universal suffrage was implemented for forming the LegCo unless the electorate bases of different FCs were of similar size.

21. A member proposed to abolish all FC seats in one go. Some members, however, disagreed and maintained that one had to face the political reality that this option would not be accepted by the FC members, implying that it could hardly secure the endorsement of a two-thirds majority of all the members of LegCo. Another member considered that FC seats should be retained, since the inclusion of FCs could ensure “balanced participation” and was conducive to maintaining the prosperity and stability of Hong Kong.

22. Members agreed to set aside at this stage the discussion on a bicameral system for the following reasons:

- (a) The implementation of a bicameral system would entail very complicated procedures. Apart from the need to amend Annex II to the Basic Law, the principal provisions of the Basic Law might also need to be amended.
- (b) Under the two-tier structure of a bicameral system, if the upper and lower houses had similar powers, Government bills and motions would need the approval of both chambers. This would add to the difficulties in getting bills and motions passed, and therefore undermine governance, and hamper the efficiency of the Government.

- (c) If the bicameral system served only as a transitional arrangement, it would not be worth pursuing politically. On the other hand, if it was meant to be the ultimate model, it might not be consistent with the principle of universal suffrage.

Transitional arrangements before attaining the ultimate aim of universal suffrage

23. Members had examined whether transitional arrangements should be drawn up for attaining universal suffrage for LegCo by phases. A member considered that a prerequisite for discussing the attainment of universal suffrage for LegCo by phases was the drawing up of a timetable for implementing universal suffrage. Another member considered that it was worthwhile to examine the proposal of implementing universal suffrage in phases, but that the transitional period should not be too long, particularly when universal suffrage for CE would be implemented first. Otherwise, it would affect the legitimacy of LegCo and hence undermine its role to perform checks and balance over the executive.

24. Members proposed various transitional arrangements, for example:

- (a) to expand the electorate base of the FCs. This would enhance the democratic element of the FC election and pave the way for the implementation of universal suffrage in future.
- (b) to implement universal suffrage for LegCo in three phases. For example, the election method could remain unchanged in 2012 and the FC seats could be gradually abolished in three phases starting from 2016, i.e. to abolish all FC seats in 2024. During the transitional period, corporate votes could be replaced by director's votes.

However, some members opined that this proposal might lead to disputes on which FCs should be abolished first. The problem could not be resolved easily, and therefore, the

proposal might not be able to secure a two-thirds majority support from LegCo.

- (c) to increase the proportion of geographical constituency (GC) seats to FC seats. For example, the number of seats returned by GC through direct elections could be increased while the number of FC seats remained unchanged.
- (d) to increase the number of LegCo seats returned by District Councils with reference to the proposed package for the 2007/08 elections put forth by the Government in 2005.

Other related issues

25. A member proposed to consider whether the number of LegCo seats should be reviewed, as a larger membership could attract more people with different expertise to participate in council business.

Conclusion

26. Regarding members' discussion, the Secretary for Constitutional Affairs made the following remarks:

- (a) Any possible models for selecting the CE and for forming the LegCo by universal suffrage should be in compliance with the Basic Law.
- (b) As regards a member's proposal to explore whether the election proceedings should continue if there was only one CE candidate, the Committee could first study the practice of other places.
- (c) Regarding a member's proposal to examine whether the number of LegCo seats should be increased, he suggested that the Committee could discuss the issue at an appropriate time. He pointed out that the 2007/08 electoral package put

forward by the Government in 2005 had proposed to increase the number of LegCo seats from 60 to 70.

27. The Chairman made the following conclusions on members' discussions:

- (a) Regarding possible models for selecting the CE by universal suffrage, the Committee had examined the nomination threshold in greater details at the meeting. Member had raised various suggestions but had yet to form a view.
- (b) Regarding possible models for forming the LegCo by universal suffrage, members had reservation about adopting a bicameral system as a transitional arrangement or as an ultimate model for universal suffrage. The Committee agreed to set aside the discussion on bicameral system for the time being.
- (c) Members had discussed in detail on whether FC seats should be abolished in phases and whether the functions of the FC should be taken into account when examining model for forming the LegCo by universal suffrage. To conclude, members had diverse views on issues relating to model for forming the LegCo by universal suffrage.
- (d) Members' had more focused discussion on model for selecting the CE by universal suffrage. It seemed that there would be a better chance for members to reach consensus on this issue first. Furthermore, members had started to discuss the sequence of selecting the CE and forming of the LegCo by universal suffrage.
- (e) Regarding a member's suggestion on concluding the Committee's discussion and launching a public consultation on the issues of selecting the CE and forming the LegCo by universal suffrage, the Chairman remarked that the Commission's discussions were open and transparent. All

discussion papers and members' views were uploaded on the Commission's website for public reference. Subject to the progress of discussion of the Committee, the Government aimed to prepare a report to draw conclusions on the Commission's discussion in 2007 to facilitate discussion in the community. He hoped that members and various sectors in society would adopt an open attitude and reach a broad consensus on the model of universal suffrage. Otherwise, it was difficult for an early implementation of universal suffrage to be materialized in Hong Kong.

28. The Chairman informed members that the next meeting would be held on 25 January 2007 (Thursday).

29. Attendance list is at Annex.

Secretariat to the Commission on Strategic Development
January 2007

策略發展委員會
管治及政治發展委員會第七次會議
2006 年 11 月 23 日

Seventh Meeting of
the Committee on Governance and Political Development
of the Commission on Strategic Development
23 November 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, G.B.S., J.P.

周厚澄先生, G.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

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

周奕希先生, B.B.S., J.P.

Ms FONG, Janie

方文靜女士

Mr FUNG, Daniel R., S.B.S., J.P.

馮華健先生, S.B.S., J.P.

Ms KO Po-ling, M.H.

高寶齡女士, M.H.

Prof KUAN Hsin-chi

關信基教授

Mr LAU Nai-keung

劉迺強先生

The Hon LEE Cheuk-yan
The Hon LEE Wing-tat
Dr LEUNG Mei-fun, Priscilla
Mr LIE-A-CHEONG Tai-chong, David, J.P.
Mr LUI Tim-leung, Tim, J.P.
Mr MOK Hon-fai
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.
Dr WANG Xiao-qiang
Mr WONG Wai-yin, Zachary
Mr WONG Ying-ho, Kennedy, B.B.S., J.P.
Dr ZHOU Ba-jun

李卓人議員
李永達議員
梁美芬博士
李大壯先生, J.P.
雷添良先生, J.P.
莫漢輝先生
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.
王小強博士
黃偉賢先生
黃英豪先生, B.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

The Hon CHEUNG Hok-ming, S.B.S., J.P.
Mr CHOW Charn-ki, Kenneth
Ms CHOW, Wendy
Mr CHOW Yung, Robert, B.B.S.
Mr HOO, Alan, S.B.S., J.P.
Prof LEE Chack-fan, S.B.S., J.P.
Dr LO Chi-kin, J.P.
The Hon MA Lik, G.B.S., J.P.
Mr NG Sze-fuk, George, S.B.S., J.P.
Mr WONG Kong-hon, S.B.S., J.P.
Mr YU Kwok-chun, G.B.S., J.P.

張學明議員, S.B.S., J.P.
鄒燦基先生
周君倩女士
周融先生, B.B.S.
胡漢清先生, S.B.S., J.P.
李焯芬教授, S.B.S., J.P.
盧子健博士, J.P.
馬力議員, G.B.S., J.P.
吳仕福先生, S.B.S., J.P.
黃光漢先生, S.B.S., J.P.
余國春先生, G.B.S., J.P.