

**Summary of the views expressed at
the Eighth Meeting of
the Committee on Governance and Political Development
of the Commission on Strategic Development
held on 25 January 2007**

(Translation)

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

Matters arising from the last meeting

2. To facilitate members to focus their discussion on possible models for electing the Chief Executive (CE) and forming the Legislative Council (LegCo) by universal suffrage, the Constitutional Affairs Bureau had further summed up the views expressed by members so far and had collated them into two discussion papers (CSD/GC/1/2007 and CSD/GC/2/2007). Members discussed the two papers at the meeting.

3. With regard to the issues on possible models for electing the CE and forming the LegCo by universal suffrage, the Chairman made the following remarks before the discussion:

- (a) All discussion papers of the Commission on Strategic Development (CSD) and members' views were uploaded to the CSD website so as to help promote discussion within the community. The Chairman hoped that the final mainstream views of the CSD formed would embody the views of the community. He hoped that all quarters would adopt an open and accommodating attitude so that a community-wide consensus on the model, roadmap and timetable for universal suffrage would be forged.
- (b) At the meeting in November 2006, Members discussed in depth possible models for electing the CE and forming the LegCo by universal suffrage. The discussion on models for electing the CE by universal suffrage was now more focused, with fairly specific views raised on the composition of the nominating committee and the nomination mechanism.

- (c) As regards possible models for electing the CE by universal suffrage, according to previous discussions of the Committee, more members supported using the composition of the Election Committee as a basis to consider that of the nominating committee. A member also put forward the proposal of forming the nominating committee by 60 LegCo Members.

The Chairman suggested members to have more in-depth discussions along these two directions. He also hoped that members would explore further the composition and size of the nominating committee.

- (d) With respect to the method of nomination, members agreed that any proposals regarding the nomination method should be formulated under the framework of the Basic Law. More members proposed to set the nomination threshold in the range of one-eighth to one-quarter of the size of the nominating committee and further discussions would be required to work out the specific threshold within this range. Members still had diverse views on other related issues such as whether other nomination requirements should be made; whether a relatively high nomination threshold should first be set and allow it to evolve after implementation of universal suffrage, etc. The Chairman hoped that members would continue the discussion.
- (e) On the method of universal suffrage after nomination, the Chairman hoped that members would further discuss the detailed arrangements, e.g. whether the CE should be elected through one or more than one round of voting.
- (f) Despite the fact that members' views on possible models for electing the CE by universal suffrage had converged, they still had significant differences on possible models for forming the LegCo by universal suffrage. It appeared more likely that members might reach consensus on the model for electing the CE by universal suffrage first. The Chairman proposed that members should examine whether our work should be taken forward in the direction of "universal suffrage for the CE preceding that for LegCo".

- (g) As regards possible models for forming the LegCo by universal suffrage, members agreed to set aside for the time being any further discussion on a bicameral system as an option for implementing universal suffrage.
- (h) Members still had significant differences on whether Functional Constituency (FC) seats should be abolished altogether or retained in some form. The Chairman suggested that members should continue to examine this issue. If members could not reach consensus on this issue, it was unlikely that they would reach consensus on any specific model for forming the LegCo by universal suffrage. Under such circumstances, the prospect of having a model that could obtain the support of a two-thirds majority of the LegCo would be bleak.
- (i) Members agreed that it was important to face a political reality, i.e. any model for implementing universal suffrage would require the support of both members returned by FCs and those returned by geographical constituencies through direct elections. In this regard, Members had examined vigorously whether universal suffrage for the LegCo should be implemented in phases before the ultimate aim of universal suffrage was attained, so that different sectors of the community would find the arrangements more acceptable. The Chairman suggested that members should continue to examine this issue.
- (j) In response to a member's suggestion that the Government should summarize the discussions on possible models for electing the CE and forming the LegCo by universal suffrage with several options and consult the public before submitting a report to the Central Authorities, the Chairman said that the Government would summarize the discussions of the Committee and consult the public. He hoped that Members could have more focused discussions with a view to forming a mainstream view before the CSD summarized its discussion.

Further discussions on possible models for electing the CE by universal suffrage

4. With respect to possible models for electing the CE by universal suffrage, Members expressed the following views.

Composition of the nominating committee

5. Members agreed that in accordance with Article 45 of the Basic Law, the nomination of the CE by the nominating committee should be followed by universal suffrage.

6. Members focused their discussion mainly on two options: (i) using the composition of the Election Committee as a basis to consider that of the nominating committee; and (ii) forming the nominating committee by 60 LegCo Members only.

7. Most members were inclined to support using the composition of the Election Committee as a basis to consider that of the nominating committee. They did not support the proposal of forming the nominating committee by LegCo Members only. A member pointed out that during the drafting of the Basic Law, the option of nominating CE candidates by LegCo Members solely had already been ruled out. Therefore, this option should not be discussed further unless there were new justifications.

8. Furthermore, a member opined that a nominating committee with broad representation as prescribed in the Basic Law was meant to realise the principle of “balanced participation”. Forming the nominating committee by LegCo Members only might not be consistent with the legislative intent of the Basic Law. He also remarked that according to the Basic Law, the relationship between the executive authorities and the legislature was one of mutual regulation. If CE candidates were nominated by LegCo Members only, this would undermine the function of the executive authorities and the legislature to operate with due checks and balances, which would not be consistent with the legislative intent of the Basic Law. Quite a number of Members shared the view.

9. A member who supported the proposal of forming the nominating committee by LegCo Members opined that if a relatively low nomination threshold could be set such that there were opportunities for individuals of different backgrounds to be nominated, he would consider accepting the proposal of forming the nominating committee by making reference to the composition of the Election Committee.

10. However, a member took the view that the option of forming the nominating committee by 60 LegCo members only should not be ruled out at the present stage. The merits of this proposal should be duly

considered before a decision was taken. He pointed out that the existing relationship between the executive authorities and the legislature had not been harmonious. This was mainly because the two bodies were formed through different methods with powers vested by different sources. He considered that if the LegCo could assume a leading role in the nomination of CE candidates, it would be conducive to improving the relationship between the executive authorities and the legislature. As compared with the option of changing the composition of the existing Election Committee, it would be simpler to form the nominating committee by LegCo Members, so as to enhance the democratic elements of the nominating committee. It would also be easier for the public to comprehend it. In addition, another member considered that this option would increase the chance for individuals from different sectors and political parties to be nominated as CE candidates.

Size of the nominating committee and delineation of the sectors

11. Members discussed the size of the nominating committee and how its composition should be determined. Making reference to the size and composition of the existing Election Committee, members expressed the following views:

- (a) A member opined that the size of the nominating committee should not be too large to avoid affecting its operation. Another member pointed out that the size of the nominating committee did not need to be too large, on the grounds that universal suffrage would proceed after the nomination of candidates by the nominating committee and that it would be a crucial role of the nominating committee to ensure that the CE-elect could meet the interests of different sectors of society.
- (b) Regarding the specific size of the nominating committee, more members proposed to refer to the existing 800-member Election Committee or increase the size to 1200 or 1600 members.

12. Regarding the composition of the nominating committee and delineation of the sectors, members took the following views:

- (a) Some members suggested expanding the electorate base of the FCs and the number of its voters, as well as abolishing corporate votes

and replacing them with individual votes to enhance the democratic elements of the nominating committee.

- (b) Delineation of the first three sectors of the existing Election Committee was clear, but suitable adjustments could still be made as necessary when forming the nominating committee. There was more room for making changes in the fourth sector (i.e. the political sector), such as including all District Council members and Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference (CPPCC).
- (c) Regarding the proposal of establishing a new sector, "the establishment of the HKSAR", to include the CE, all members of the Executive Council and LegCo, and all chairpersons of standing advisory bodies, a member opined that since members of the Executive Council and chairpersons of advisory bodies were appointed by the CE, this arrangement might open to a CE seeking re-election the chance of "vote planting". However, another member considered that we should keep an open mind on the proposal.
- (d) A member objected to the proposal of increasing the number of members from the industrial and commercial sectors and the professions proportionately, pointing out that the composition of the existing Election Committee had already slanted towards the industrial, commercial and professional sectors.
- (e) Quite a number of members suggested using the 2007/08 proposed package put forth by the Government in 2005 as a basis for determining the composition of the nominating committee for the following reasons:
 - (i) The Government had consulted the public broadly on the proposed package, which had the support from the majority of the public;
 - (ii) Enlarging the size of the nominating committee could provide room for enhancing the democratic elements of the committee, for example, by including all District Council ("DC") members. However, a member considered that appointed DC members should not be included; and

- (iii) Enlarging the size of the nominating committee could allow allocating the additional seats to sectors which were currently not represented in the Election Committee, in order to realize the principle of “meeting the interests of the different sectors of society”.

Nomination threshold

13. More members considered that the nomination threshold should not be too low. Many suggested that it should be set at 20% or 25% of the size of the nominating committee. The main reasons included:

- (a) Should the nomination threshold be too low, aspiring contenders would only need to secure support from a few subsectors to become candidates. These contenders might not be able to take care of the interests of different sectors of society;
- (b) In other democratic countries, there were usually only two to three candidates in the election of their head of states and the nomination procedures were also relatively stringent;
- (c) Given that universal suffrage would proceed after the nomination of candidates by the nominating committee and that it would be a crucial role of the nominating committee to ensure that the CE-elect could meet the interests of different sectors of society. Thus, the nomination threshold should not be too low. Otherwise, the nominating committee would not be able to perform its designed function;
- (d) A relatively high nomination threshold should first be set to help forge a consensus among different sectors, so as to implement universal suffrage as early as possible.;
- (e) Even with a higher nomination threshold, candidates would still have to face the public to canvass votes as they went through the process of universal suffrage.

14. However, some members opined that the nomination threshold should not be too high, at least not higher than the existing requirement (i.e.

one-eighth of the size of the nominating committee). Relevant views included:

- (a) A member considered that the existing threshold was not low and it would not be easy to have more than one candidate.
- (b) Adopting a lower nomination threshold would allow individuals from all quarters to have opportunities to stand for election.
- (c) A member considered that a nomination threshold set at one-quarter of the size of the nominating committee would be too high. He remarked that no country adopted such a high nomination threshold.
- (d) Even if a relatively low nomination threshold was set, there would not be too many candidates. For instance, the nomination threshold for District Council elections was not high, but we did not have a problem of having too many candidates over the past elections.

Method of universal suffrage after nomination

15. Members agreed that after the nomination of candidates, the CE should be elected by universal suffrage on the basis of “one-person-one-vote”.

16. As regards whether the CE should be elected through one or more than one round of voting after nomination, members put forth different suggestions. A member suggested that a candidate should be required to secure more than half of the valid votes cast to be elected, and thus more than one round of voting should be held when necessary. A CE returned by more than half of the valid votes cast would have greater legitimacy. Another member suggested requiring candidates to obtain a certain percentage of valid votes cast in the first round of voting, those failing which would be eliminated and excluded from the second round of voting. This method could avoid excessive rounds of voting. There was also a suggestion advocating two rounds of voting by universal suffrage and specifying that only two candidates would be admitted to the second round of voting. Candidates would not be required to secure support from more than half of the registered voters to get shortlisted. The candidate who

obtained more than half of the valid votes cast in the last round of voting would be elected. This proposed method should be adequate because it could ensure that the CE was elected by a majority of votes.

17. Some members maintained that there should only be one round of voting and that candidates should not be required to secure more than half of the valid votes cast to be elected. In other words, the one obtaining the highest votes would be elected. If a candidate was required to obtain more than half of the valid votes cast to be elected, several rounds of voting might be necessary when there were more candidates standing for the election. This would cause inconvenience to the voters and might involve enormous amount of social resources in arranging all voters to vote again.

18. As regards the issue of whether the election proceedings should continue if there was only one candidate, a member referred to the Basic Law which stipulated that the nomination of CE candidates by the nominating committee should be followed by universal suffrage. He considered that election by universal suffrage should still be held even if there was only one candidate so that the public could express their wish by voting. A member supported this suggestion, maintaining that in order to ensure the legitimacy of the CE-elect, a candidate should be required to secure more than half of the valid votes cast or a certain percentage of votes to be elected.

19. Nevertheless, some members opined that when there was only one candidate, the general public (including the supporters of the candidate) might not have a strong intention to vote. On the contrary, those who were against the candidate would have a stronger intention to vote. This would distort the overall inclination of voters and undermine the legitimacy of the CE.

Universal suffrage for the CE preceding that for LegCo

20. Some members supported the direction of “universal suffrage for the CE should precede that for LegCo”. However, a member was concerned that this might mislead people to think that the Commission had in principle ruled out the possibility of implementing universal suffrage for the CE and the LegCo elections concurrently. The Chairman clarified that “universal suffrage for the CE should precede that for LegCo” only referred to the focus of discussion at the present stage. He noted that the Commission was in fact gradually forming a mainstream view on possible

models for electing the CE by universal suffrage. It seemed that there was a higher chance for members to reach a consensus on this issue first. The Chairman therefore hoped that work would be taken forward along this direction.

Further discussion on possible models for forming the LegCo by universal suffrage

21. The Committee did not discuss this agenda item because of time constraint.

Conclusion

22. The Chairman concluded the discussions by making the following remarks:

- (a) Members had always adopted a positive and interactive approach in their discussions, with the aim to narrow differences gradually. However, when members examined issues relating to universal suffrage in depth, many issues of principles and technical problems would often come up and require members' further discussion. He hoped that members would continue to discuss these issues in depth so as to study the advantages and disadvantages of different models for universal suffrage.
- (b) In order to forge a consensus within the community, he hoped that members could narrow their differences as far as possible so that there would be a clearer direction to consult the public after concluding the discussions.
- (c) Regarding the composition of the nominating committee, while more members were inclined to support using the composition of the Election Committee as a basis for forming the nominating committee, the Commission had not rule out any option at the meeting. Members would continue to examine the issues.
- (d) As regards the nomination threshold, a member held that it could be set at a relatively low level, at least not higher than the existing requirement (i.e. one-eighth of the size of the Election Committee) so that more individuals from different quarters could stand for the

election. However, there was a view that it was undesirable to have too many candidates standing for the CE election. According to overseas experience, there should be normally only two to three candidates.

- (e) Members had examined the issues of whether the CE should be elected through one or more than one round of voting and whether the election proceedings should continue if there was only one candidate. Members had yet to form a mainstream view on these issues and further discussions were needed.

23. The Chairman informed members that the next meeting would be held on 12 April 2007 (Thursday).

24. The attendance list is attached at Annex.

Secretariat to the Commission on Strategic Development
March 2007

策略發展委員會
管治及政治發展委員會第八次會議
2007 年 1 月 25 日

**Eighth Meeting of
the Committee on Governance and Political Development
of the Commission on Strategic Development
25 January 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

中央政策組首席顧問

非官方委員 :

Non-Official Members :

Mr CHAN Chung-bun, Bunny, B.B.S., J.P.

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

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

Mr CHEUNG Chi-kong

Mr CHOW Charn-ki, Kenneth

Ms CHOW, Wendy

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

Ms KO Po-ling, M.H.

Prof KUAN Hsin-chi

Mr LAU Nai-keung

The Hon LEE Cheuk-yan

The Hon LEE Wing-tat

Dr LEUNG Mei-fun, Priscilla

Mr LIE-A-CHEONG Tai-chong, David, J.P.

Dr LO Chi-kin, J.P.

陳振彬先生, B.B.S., J.P.

陳德霖先生, S.B.S., J.P.

周厚澄先生, G.B.S., J.P.

張志剛先生

鄒燦基先生

周君倩女士

周奕希先生, B.B.S., J.P.

高寶齡女士, M.H.

關信基教授

劉迺強先生

李卓人議員

李永達議員

梁美芬博士

李大壯先生, J.P.

盧子健博士, J.P.

Mr LUI Tim-leung, Tim, J.P.
The Hon MA Lik, G.B.S., 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.
The Hon TIEN Pei-chun, James, G.B.S., J.P.
Dr WANG Xiao-qiang
Mr WONG Wai-yin, Zachary
Dr ZHOU Ba-jun

雷添良先生, J.P.
馬力議員, G.B.S., 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.
田北俊議員, G.B.S., J.P.
王小強博士
黃偉賢先生
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

官方委員 :
Official Members :

Director, Chief Executive's Office

行政長官辦公室主任

非官方委員 :
Non-Official Members :

Prof CHEN Hung-yee, Albert, J.P.
Mr CHEN Nan-lok, Philip, S.B.S., J.P.
Prof CHENG Kwok-hon, Leonard
The Hon CHEUNG Hok-ming, S.B.S., J.P.
Mr CHOW Yung, Robert, B.B.S.
Ms FONG, Janie
Mr FUNG, Daniel R., S.B.S., J.P.
Mr HOO, Alan, S.B.S., J.P.
Prof LEE Chack-fan, S.B.S., J.P.
Mr NG Sze-fuk, George, S.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
張學明議員, S.B.S., J.P.
周融先生, B.B.S.
方文靜女士
馮華健先生, S.B.S., J.P.
胡漢清先生, S.B.S., J.P.
李焯芬教授, S.B.S., J.P.
吳仕福先生, S.B.S., J.P.

Miss TAM Wai-chu, Maria, G.B.S., J.P.
Mr WONG Kong-hon, S.B.S., J.P.
Mr WONG Ying-ho, Kennedy, B.B.S., J.P.
Mr YU Kwok-chun, G.B.S., J.P.

譚惠珠女士, G.B.S., J.P.
黃光漢先生, S.B.S., J.P.
黃英豪先生, B.B.S., J.P.
余國春先生, G.B.S., J.P.