

Legislative Council Panel on Constitutional Affairs

The Fourth Report of the Constitutional Development Task Force :

Views and Proposals of Members of the Community on the Methods for Selecting the Chief Executive in 2007 and for Forming the Legislative Council in 2008

Introduction

This paper briefs Members on the Fourth Report of the Constitutional Development Task Force (“the Task Force”) published on 15 December 2004. The Fourth Report gives an account of the views gathered in respect of how the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008 may be amended, and to provide a platform for the Task Force to embark on its next stage of work, i.e. to collect views from different sectors of the community as a basis for formulating a mainstream proposal which stands the best chance of achieving consensus among the various parties.

Background

2. The Task Force issued its Third Report on 11 May 2004 and commenced collecting views and proposals from different sectors of the community on the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008. In accordance with the relevant provisions of the Basic Law and “the Decision of the Standing Committee of the National People’s Congress on issues relating to the methods for selecting the Chief Executive of the Hong Kong Special Administrative Region in the year 2007 and for forming the Legislative Council of the Hong Kong Special Administrative Region in the year 2008” (referred to as “the Decision” hereafter), the Report sets out a number of areas which may be considered for amendment in respect of the two electoral methods. The consultation period started on 11 May 2004 and ended on 15 October 2004, covering more than five months.

Consultation of the Third Report

3. The Task Force used various means to collect openly and widely views from different sectors of the community. During the consultation period, more than 480 written submissions were received. In addition, the Task Force has organised a number of seminars and group discussions to facilitate discussion by different sectors of the community on the issues set out in the Third Report. Participants included Members of the Executive Council, Members of the Legislative Council, chairmen and members of District Councils, members of the Election Committee, and representatives of professional bodies, chambers of commerce, academics and different sectors of the community. Attendance at these seminars and group discussions was around 870 in total. Details of the consultation arrangements are set out in Chapter 2 of the Fourth Report.

4. Different sectors of the community have put forward views on the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008. Chapters 3 and 4 of the Fourth Report give an account of the views mentioned more frequently by the public and the justifications for these views. These include written views as well as views collected in the various seminars and group discussions. With the exception of written submissions which requested confidentiality, all views received by the Task Force are included in Appendices I and II to the Report for public reference.

5. After the expiry of the consultation period, the Task Force continued to receive more than 400 written submissions from different sectors of the community on the two electoral methods. Since they were received after the expiry of the consultation period, the Task Force has not reflected them in the main text of the Report. Nevertheless, the Task Force has included copies of these written submissions in the Addendum to Appendix I, so that the community could make reference to these views when further discussing the issues. The Task Force would deal with these views together with the others when preparing the Fifth Report.

Summary of Public Views

6. A summary of the views received during the consultation period is set out below :

(I) Areas which may be considered for amendment in respect of the method for selecting the Chief Executive in 2007

Areas which may be Considered for Amendment	Summary of Public Views
The Number of Members of the Election Committee	To increase the number of the Election Committee members to allow wider participation by different strata of the community in the election of the Chief Executive. More views are for increasing the number to 1 200 or 1 600.
The Composition of the Election Committee	To adjust suitably the composition of the subsectors of the Election Committee with a view to further enhancing its representativeness. There are many views that more members of the District Councils should be included into the Election Committee.
The Number of Members of the Election Committee Required for Nominating Candidates for the Office of Chief Executive	<p>Views remain diverse on the number of the Election Committee members required for nominating candidates.</p> <p>Ideas put forth include :</p> <p>(a) to require that candidates should have a certain degree of support in each sector to ensure that they have broad cross-sectoral support;</p> <p>(b) to set an upper limit on the number of subscribers required, as this will be conducive to having more than one candidate to contest in the election.</p>

Areas which may be Considered for Amendment	Summary of Public Views
The Delineation and Size of the Electorate of the Election Committee	<p>Ideas put forth include :</p> <p>(a) to broaden the scope and size of the electorate. However, there are numerous specific proposals and views are diverse;</p> <p>(b) consideration should be given to replacing corporate voting by individual voting in the subsector elections of the Election Committee.</p>
Others	<p>Issues put forth include :</p> <p>(a) to examine whether the requirement that the Chief Executive elect must relinquish his or her political affiliation should be abolished;</p> <p>(b) to consider setting out a timetable for introducing universal suffrage.</p>

(II) Areas which may be considered for amendments in respect of the method for forming the Legislative Council in 2008

Areas which may be Considered for Amendment	Summary of public views
The Number of Seats in the Legislative Council	<p>Views remain diverse at this stage.</p> <p>There are many views that the number of LegCo seats should be increased to enhance its representativeness, recruit more political talents, and share the workload of the LegCo Members. There are more views which</p>

Areas which may be Considered for Amendment	Summary of public views
	<p>support increasing the number to 70 or 80.</p> <p>There are also many views that the number should remain unchanged so as not to conflict with the ultimate aim of universal suffrage as prescribed in the Basic Law. This would also avoid incurring additional government expenses and hampering the efficiency of the Council.</p>
<p>The Number of Seats Returned by Geographical Constituencies through Direct Election</p>	<p>Views are diverse. If the number of seats is to be increased, there are views that it could be increased to 35 or 40.</p>
<p>The Number of Seats Returned by Functional Constituencies</p>	<p>There are quite a number of views that consideration should be given to increasing the number of functional constituency seats to 35 or 40, and that the newly added functional constituencies should have broad representation and be able to effectively enlarge the overall electorate base. There are, however, numerous specific proposals on the new functional constituencies to be included and views are diverse.</p> <p>There are also quite a number of views that functional constituency seats should not be increased, so as not to conflict with the ultimate aim of universal suffrage. Also, creation of new seats would make it more difficult to abolish functional constituencies in future.</p>

Areas which may be Considered for Amendment	Summary of public views
The Delineation and Size of the Electorate of Functional Constituencies	<p>There are quite a number of views that the electorate base of functional constituencies should be broadened to enhance their representativeness. There are quite a number of views that certain new sectors should be included. There are also many views that the existing functional constituencies should be reorganised, split or merged to reflect the current situation and development of the community.</p> <p>There are many views that corporate voting should be replaced by individual voting.</p>
Provisions Regarding Nationality of LegCo Members	<p>There are many views that the provision which allows some LegCo Members not to be of Chinese nationality should be retained. There are also many views that the number of such members should be gradually reduced and eventually eliminated.</p>
Others	<p>Issues raised include :</p> <p>(a) to examine whether functional constituencies should be retained or abolished in the long run;</p> <p>(b) to consider setting out a timetable for universal suffrage.</p>

7. There remain diverse views in the community regarding how the two electoral methods may be amended. However, the basic direction is clear, that is the community expects that progress could be made towards the ultimate aim of universal suffrage, that there could be more scope and more opportunities for the public to participate in the elections of the Chief Executive and the Legislative Council, and that the representativeness of the Chief Executive and the Legislative Council could be further enhanced. We will pursue the matter in this direction.

8. During the consultation, there are many views that the Chief Executive should be returned by universal suffrage in 2007 and that all the Legislative Council Members be returned by universal suffrage in 2008. As these proposals are inconsistent with the NPCSC Decision, the Report has made it clear that the Task Force will not process them further.

9. The Task Force also received quite a number of views on issues outside the scope of the two electoral methods. The Task Force understands that there is expectation among the organisations and individuals that have submitted their views that a timetable should be set and organisation made in preparation for elections by universal suffrage. These views raise very important and complex issues. The Task Force considers that these issues should be further dealt with at an appropriate juncture in the future.

10. Some views expressed by the public have brought out some deeper issues of principle, including the roles of functional constituency and its future development, and the forms or means to achieve universal suffrage in the election of the Legislature. The Task Force considers that these issues deserve further discussion by the community.

Consultation

11. Following the publication of the Fourth Report on 15 December 2004, the Task Force invites further views from different sectors of the community, on the basis of the range of views received during the consultation for the Third Report. To facilitate further public discussion, and to promote consensus building in the community, the Task Force sets out in Appendix III to the Report some follow-up questions for public reference.

12. Members of the community are invited to forward their views and proposals in writing on the comprehensive package to the Task Force by 31 March 2005. In the coming few months, we will seek to enhance community participation by organising seminars and forums which are open to public. We will also consider using different means to gauge public opinion at different stages.

13. The Task Force hopes that a consensus will emerge from the community around the middle of next year. The Task Force will then issue the Fifth Report and put forward a mainstream proposal for discussion by the public and the Legislative Council, and to strive to gain their support.

Constitutional Affairs Bureau
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