

**Summary of the views expressed at  
the Ninth Meeting of  
the Committee on Governance and Political Development  
of the Commission on Strategic Development  
held on 12 April 2007**

(Translation)

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

**Matters arising from the last meeting**

2. The Chairman informed the meeting that the Constitutional Affairs Bureau had further summarised the views expressed by members so far on possible models for selecting the Chief Executive (CE) and forming the Legislative Council (LegCo) by universal suffrage and had collated them into two discussion papers (CSD/GC/3/2007 and CSD/GC/4/2007) to help members focus their discussion.

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

- (a) The Commission had made progress at each meeting, and promoted discussion within the community. All discussion papers of the Commission and summaries of views expressed at the meetings were uploaded to the website of the Commission for public reference.
- (b) The Secretariat had distributed proposals on possible models for implementation of universal suffrage it had recently received, including those submitted by Mrs Anson Chan and her Core Group, 22 Legislative Council Members and some members of the Commission, to all members for reference and discussion.
- (c) The Decision of the Standing Committee of the National People's Congress made in April 2004 was not applicable to the electoral arrangements for the fourth term CE and the fifth term LegCo in 2012.

- (d) As regards possible models for selecting the CE by universal suffrage, the most important issue was whether the existing electoral arrangements should evolve in phases to attain the ultimate aim of universal suffrage, i.e. according to Article 45 of the Basic Law, forming a broadly representative nominating committee to nominate CE candidates in accordance with democratic procedures for subsequent election by universal suffrage, or to attain the ultimate aim of universal suffrage in one go by directly setting up a nominating committee on the basis of the existing electoral arrangements of the Election Committee. The adoption of either of these approaches depended on the community aspirations, which on one hand, wished to have universal suffrage for the CE to be implemented at an early date. On the other hand, the community also hoped to maintain stability in the socio-economic performance and in the relationship with the Central Authorities in the process of achieving universal suffrage.
- (e) Members still had significant differences on possible models for forming the LegCo by universal suffrage, particularly on the future development of Functional Constituency (FC) seats. The finalization of a roadmap and timetable for forming the LegCo by universal suffrage depended on whether different sectors of the community could reach consensus along the direction of “resolving the simple issues before the difficult ones” and “universal suffrage for the CE preceding that for the LegCo”, and on whether the ultimate aim of universal suffrage for LegCo should be attained in phases or in one go.
- (f) The final model for universal suffrage should include the design and detailed arrangements, as well as the roadmap and timetable for implementation. Members had put forth many specific proposals on possible model for universal suffrage, and timetables were included in these models and roadmaps. Furthermore, with the approach of “formulating a roadmap before a timetable”, if different sectors of the community could reach consensus on the models and roadmap for selecting the CE and forming the LegCo by universal suffrage, the timetable for universal suffrage would emerge naturally.

- (g) The Government would summarise the discussion of the Committee, and, on that basis, publish a Green Paper on constitutional development in mid-2007. The Green Paper would also reflect the specific proposals and views put forward by different political parties of the LegCo, organizations and members of the public, in addition to those put forward by the Commission. The Government would launch a public consultation for about three months to enable the public and various sectors to have adequate discussion on models and roadmap for selecting the CE and forming the LegCo by universal suffrage. The Government would submit a report to the Central Authorities reflecting faithfully any mainstream views formed during public consultation and the other views expressed after the completion of the public consultation.
- (h) The Green Paper would set out the views of the Commission as well as those of the community on models, roadmap and timetable for universal suffrage, and present three types of options for public discussion. As to which three types of options would be included, a decision had yet to be made. The Government would finalise the Green Paper having regard to the progress of discussion, proposals received and public response to various proposals in the next few months.
- (i) The Government had yet to finalize specific details of the public consultation exercise of the Green Paper on constitutional development. Details would be finalized in the next few months. The Chairman stressed that the public consultation exercise would definitely be open and highly transparent, and that various sectors of the community would be able to actively participate in the discussion.
- (j) As regards opinion polls on the Green Paper on constitutional development, the Chairman said that media companies, academic institutions and organisations in the community would very likely carry out various opinion polls on this issue.
- (k) The Chairman remarked that any mainstream proposal would have to take into account the views of the general public and gain acceptance among the community. It would only

emerge through integration, reconciliation and compromise of views among different parties. The public also understood that the proposal could not be formulated to merely satisfy a certain class, organisation, political party or person. It was most important for different parties in the community to adopt an open and accommodating attitude in the course of discussion, with a view to narrowing differences and forming a mainstream proposal for the consideration of the Central Authorities.

#### **Discussion on models, roadmap and timetable for selecting the CE by universal suffrage**

4. With respect to the models, roadmap and timetable for selecting the CE by universal suffrage, members expressed the following views.

##### Composition and size of the nominating committee

5. Regarding the composition of the nominating committee, most members were inclined to support using the composition of the existing Election Committee as a basis to consider that of the nominating committee. Proposals put forth by members varied in terms of the size of the nominating committee and the relative proportion of the sectors in the committee. The Committee did not have obvious mainstream views in this regard.

6. Some members suggested a nominating committee with 800 members by making reference to the existing Election Committee. A member suggested a nominating committee with 1200 members, comprising the 800 members of the Election Committee and about 400 elected District Council members. There was also a suggestion that the membership of the nominating committee should be increased to 1 600.

7. As regards the delineation of sectors, there was a suggestion that the nominating committee should be formed by the existing four sectors of the Election Committee. There was a view that in addition to the existing four sectors, consideration might be given to the inclusion of other new sectors, especially those with inadequate representation under the current political structure such as the youth. This would allow individuals from different quarters to voice their opinions and take up civic responsibility, through participation in the nominating committee.

### Method of nomination

8. The Committee did not have obvious mainstream views on the nomination threshold. There was a view that the nomination threshold should not be higher than 12.5%, which was the level adopted by the existing Election Committee. There was another view that candidates should only be required to secure a minimum of 50 nominations (i.e. 6.25%). Nevertheless, quite a number of members suggested maintaining the threshold at 12.5% or even increasing it to 20% or 25%. A member pointed out that a higher nomination threshold would not necessarily represent a setback in democratic development, taking into account that candidates had to run for an election by universal suffrage.

9. A member pointed out that the function of the nominating committee was to nominate candidates for the CE election by universal suffrage. The nomination procedures should ensure that there would not be too many candidates. There were also views that it would be desirable to have only three to four candidates. A 800-member nominating committee with a nomination threshold of 50 nominations could generate a maximum of 16 candidates. Such a high number of candidates was rarely seen in the elections of other countries. Nevertheless, a member opined that a nominating committee with too much screening effect would leave the public with few “real” choices.

10. Some members remarked that the nomination threshold was a key element in the design of the models for selecting the CE by universal suffrage and should be examined together with the timetable for universal suffrage. The implementation of universal suffrage might be delayed if a lower nomination threshold was set. On the contrary, universal suffrage might be attained earlier if a higher nomination threshold was set. Quite a number of members agreed that universal suffrage should be implemented in accordance with the principle of “gradual and orderly progress”. They also supported that a relatively higher nomination threshold should initially be set in order to strive to reach consensus among all sectors of the community and attain universal suffrage at an early opportunity. The threshold could gradually evolve after implementation of universal suffrage.

11. A member proposed that a contender should be required to obtain a certain number of nominations (say not less than 20%) from each of the four sectors of the nominating committee to qualify as a candidate. Such an arrangement would ensure that the candidate was supported by different

sectors within the nominating committee and would take care of the interests of different sectors in society.

12. Members agreed that the Central Authorities had substantive power in the appointment of the CE of the Hong Kong Special Administrative Region. There was a view that requiring candidates to obtain a certain number of nominations from the deputies to the National People's Congress and members of the National Committee of the Chinese People's Political Consultative Conference was a substantive realisation of the Central Authorities' involvement in the process. However, a member disagreed with any proposal of conferring a veto power to any of the members of the nominating committee. He considered that nomination threshold and veto power were two different arrangements. He believed that any proposal with a veto power would not receive a two-third majority support from the LegCo.

13. A member raised that according to Article 45 of the Basic Law, the nominating committee should not only be broadly representative, it should also nominate candidates in accordance with democratic procedures. The CE would then be elected by universal suffrage. In relation to the design of the nomination method, he added that consideration should be given to both the threshold level and drawing up of the democratic procedures in order to be consistent with the requirements of the Basic Law. He also pointed out that for a nomination to be made in accordance with "democratic procedures", it would require all members of the nominating committee to have collective and equal participation in nomination. He proposed that contenders should explain their election platform to the nominating committee after securing the required number of nominations. The nominating committee would, in accordance with democratic procedures, select the contenders by one-person-one-vote. The two contenders with the highest votes would be nominated candidates for CE election by universal suffrage on the basis of one-person-one-vote, and the candidate selected would then be appointed by the Central Authorities.

14. As for other nomination requirements, a member held that the nomination of CE candidates was the political rights of Chinese citizens. As such, the nationality of the subscribers should also be examined. A member proposed that members of the nominating committee should be Chinese citizens who were permanent residents of the Hong Kong Special Administrative Region, though the non-possession of foreign right of abode should not be a requisite.

15. A member opined that the Committee should continue to examine the issue raised in previous meetings of whether to set an upper limit to the number of nominations to be subscribed. The Chairman said that the point would be taken into account in the preparation of the Green Paper.

#### Method of universal suffrage after nomination

16. A member opined that in an election by universal suffrage, a candidate should obtain more than half of the valid votes cast in order to be elected. This would enhance the legitimacy of the CE-elect.

17. Members had not discussed the issue in depth.

#### Roadmap and timetable for selecting the CE by universal suffrage

18. Quite a number of members supported adopting the approach of “resolving the simple issues before the difficult ones” and the direction of “universal suffrage for the CE preceding that for the LegCo” to take forward the next step of work. Members generally agreed that there were still significant differences among members on models for forming the LegCo by universal suffrage, especially on the way forward of FCs, and that mainstream views had yet to be formed in this respect in the community. A member hoped that people from different sectors would discuss the timetable issue in a rational way, and that the discussion on the respective timetables for selecting the CE and forming the LegCo by universal suffrage should not be bundled together.

19. Some members opined that in considering the roadmap and timetable for implementing universal suffrage, we should not only be concerned with the method to attain the ultimate goal of universal suffrage. We had to take into account the important principle of maintaining the prosperity and stability of Hong Kong. The Committee had carried out in-depth and detailed discussions on the principles and concepts relating to universal suffrage, and conclusions had been reached. These principles and concepts were accepted by members (Please refer to Paper No.CSD/GC/6A/2006 for details).

20. A member opined that the discussion on the pre-conditions for implementing universal suffrage was not thorough enough. He held that a balance had to be struck between the promotion of democracy and the implementation of “One Country, Two Systems”. It was also important to

have sufficient communication and a high degree of mutual trust between Hong Kong and the Central Authorities.

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

#### Electoral method for FC seats

21. Members still had significant differences on the way forward for FCs. Some held that all FC seats should be abolished when the ultimate aim of forming LegCo by universal suffrage was attained. However, other members maintained that the retention of FCs in some form would help meet the interests of different sectors. The arrangement also satisfied the need of having the executive and the legislature complementing each other on the one hand and operating with checks and balances on the other. This was conducive to striking a balance between the different views within the community.

22. There was a suggestion to examine whether it would conform with the principle of “balanced participation” provided in the Basic Law for all LegCo members to be returned through GC direct elections. The member pointed out that the existing LegCo Members returned through GC elections were largely from certain specific sectors. To fulfill the principle of “balanced participation”, consideration should be given to establishing “occupational constituencies” and further discussion on the method for forming the “occupational constituencies” would be required. He added that universal suffrage should be implemented on the basis of “one-person-two-votes”: one vote to return directly elected GC members, and the other to return occupational constituency members.

23. However, a member considered that the mechanism for implementing universal suffrage should not be formulated solely on the basis of social background or occupational background considerations. In addition, “balanced participation” should not be measured too precisely in terms of statistical results. In this connection, a member opined that “balanced participation” was not tantamount to “balanced outcome” since election results could neither guarantee representation from each and every sector nor an equal number of seats among the sectors.



24. A member supported the option of “one-person-multiple-votes”, i.e. the public could cast one vote to return directly elected GC members and multiple votes to return FC members.

#### Transitional arrangements before attaining the ultimate aim of universal suffrage

25. Quite a number of members remarked that different sectors of the community would find it more acceptable if universal suffrage was to be implemented in phases. Such an arrangement was also in line with the principle of “gradual and orderly progress” provided in the Basic Law. A member pointed out that the proposal of immediately abolishing all FC seats was unlikely to receive support from a two-third majority of the LegCo Members. Judging from this political reality, such a proposal was not feasible. Some members opined that the number of FC seats could be gradually reduced. For instance, a member proposed to abolish 10 or 15 FC seats first in 2012. However, some members remarked that this phasing out option would give rise to disputes over the selection of the FCs to be abolished first and was not easy to implement.

26. A member proposed to expand the electorate base of the FCs and abolish corporate voting so that all eligible persons could elect LegCo members by “one-person-one-vote”.

27. A member opined that the three options set out in paragraph 11 of the Paper No.CSD/GC/4/2007 were feasible options for transition, but falling short of being ultimate models because they did not fully conform with the concept and principles of universal suffrage generally accepted by the international community. However, he pointed out that the length of the transitional period could be further discussed. A member held that the core concept of universal suffrage should be interpreted as encompassing equal rights to elect and to be elected. He remarked that the proposal put forth by the 22 LegCo members, which were closer to the concept of universal suffrage generally accepted by the international community and would not entail amendments to the Basic Law, might be considered for adoption as the ultimate model.

#### Roadmap and timetable for forming LegCo by universal suffrage

28. Quite a number of members supported adopting the direction of “universal suffrage for the CE preceding that for the LegCo” in taking

forward the next step of work, and opined that successful selection of the CE by universal suffrage on the basis of one-person-one-vote would help promote the forming of the LegCo by universal suffrage.

29. Some members maintained that forming the LegCo by universal suffrage in 2012 was neither radical nor against the principle of “gradual and orderly progress”. However, some members held a different view. They pointed out that the community still had significant differences on the model for forming the LegCo by universal suffrage, especially the way forward for FCs, and that a mainstream view had yet to be formed in this respect. They considered it too early to implement universal suffrage for LegCo election in 2012.

30. Another member opined that FCs should not be abolished until the development of party politics had reached a maturity. Only by then could we achieve the ultimate aim of electing all the members of the LegCo by universal suffrage.

### **Green Paper on constitutional development and public consultation**

31. A member suggested that the Basic Law principles pertaining to the design of the political structure and the implementation of universal suffrage in Hong Kong should be spelt out in the Green Paper. The Chairman responded that the Green Paper would be drafted on the basis of the Basic Law. As such, the aforesaid principles would be properly reflected in the Green Paper.

32. A member proposed that the mainstream views should be set out by categories so as to enable members of the public to have a better grasp of the key points and details of the various models for universal suffrage. Another member suggested that the Green Paper could present more than three types of options, and could provide an exposition of their compliance with the principles of universal suffrage to give the public a clear picture of their respective characteristics.

33. A member recommended that the Green Paper should cover all the proposed options, including the one submitted by 22 LegCo members, for the public to consider. Another member considered the possibility of electing the CE and forming the LegCo by universal suffrage in 2012 should not be ruled out at this stage, and proposed that such an option should be included in the Green Paper to invite public views.

34. The Chairman indicated that the Green Paper would set out the views of the Commission as well as those of the community on possible models, roadmap and timetable for universal suffrage, and three main types of options would be presented to invite public views. As to which three types of options would be included, a decision had yet to be made. The Government would finalise the Green Paper having regard to the progress of discussion and proposals to be received in the next few months.

35. A member pointed out that people of different political affiliation should not confine their attention to the three types of options to be set out in the Green Paper. He held that the mainstream option should be the one consolidated by the Government after taking into account all the views collected upon completion of the consultation. At the present stage, all sectors of society should try to form mainstream views on the basis of mutual understanding and compromise. Only by so doing could an option acceptable to all parties be drawn up for universal suffrage.

36. A member expressed concern about the Government's criteria for defining "mainstream public opinion". The Chairman responded that the Government would evaluate public opinions according to two objective criteria: first, whether the option would stand a chance to be supported by two-third of the LegCo Members; and second, verification against the results of opinion polls carried out by various organisations in the community.

37. In response to an enquiry from a member as to whether any opinion poll would be carried out in respect of the Green Paper, the Chairman said that various academic institutions and community organisations were conducting opinion polls on political issues and issues of public concern, the results of which should be capable of reflecting public views in an objective and independent manner.

### **Concluding remarks**

38. The Chairman concluded the discussion by making the following remarks:

- (a) The Chairman emphasised that the public consultation for the Green Paper would be open, fair, transparent, and subject to public scrutiny. He and the third term Hong Kong Special Administrative Region Government would

handle the issues relating to universal suffrage in a pragmatic and people-based manner, and fully respect the opinions of different sectors of the community. Any proposal would require the endorsement of a two-third majority of the LegCo Members. There would be no question of the Government stealing through.

- (b) He understood that members were concerned about how a “mainstream option” could be reached. He remarked that any option had to meet certain requirements, including the followings:
  - (i) The option should be in compliance with the principles of the Basic Law on the design of the political structure of Hong Kong and other relevant provisions. It should not entail amendments to the principal provisions of the Basic Law.
  - (ii) The option had to be supported by the majority of the public. As regards the public opinions collected by different organisations in the community by way of opinion polls from different perspectives, the Government undertook to address them in an open and transparent manner.
  - (iii) The option would likely to have the support of a two-third majority of all LegCo members.
  - (iv) The option would likely be considered seriously by the Central Authorities.
- (c) Regarding the discussion on the models for selecting the CE by universal suffrage, members mentioned the requirements of the Basic Law and the principles of universal suffrage. A member remarked that attention should be drawn to Article 45 of the Basic Law which referred to “nomination in accordance with democratic procedures”, and that in devising a model for selecting the CE by universal suffrage, it was important to thoroughly consider the mode of operation of the nominating committee.

- (d) As for the discussion on the models for forming the LegCo by universal suffrage, members agreed that “balanced participation” was one of the essential principles to uphold. A member opined that “balanced participation” might not necessarily mean “balanced outcome”.
- (e) As regards the way forward for the FC seats, there was a view that the proposal to abolish all FC seats in one go was unlikely to secure support from the majority of LegCo members, and this proposal would have adverse impact on society as a whole. As such, a member proposed that universal suffrage for forming the LegCo should be implemented in phases.
- (f) There were significant differences among members over the model for forming the LegCo by universal suffrage. Quite a number of members shared the view that we should adopt the approach of “resolving the simple issues before the difficult ones”, thus implementing universal suffrage for the selection of CE first and then for the forming of LegCo. There were also members who considered that the possibility of implementing “dual universal suffrage” in 2012 should not be ruled out at this stage.
- (g) The Secretariat would organise a workshop on 10 May, inviting organisations and stakeholders to present the proposals that they had submitted during this period. The workshop would also provide an opportunity for members to have more in-depth discussions on the possible models for selecting the CE and forming the LegCo by universal suffrage. The Chairman said that a report summarising members’ discussions over the past months on the possible models for universal suffrage would be prepared for the next meeting. On the basis of the report, the Government would prepare a Green Paper on constitutional development for public consultation.

39. The Chairman informed members that the next meeting would be held on 21 June (Thursday). He urged members to submit to the Secretariat their views and proposals on universal suffrage, if any, on or before 15 June.

40. The attendance list is attached at Annex.

Secretariat to the Commission on Strategic Development  
June 2007

策略發展委員會  
管治及政治發展委員會第九次會議  
2007年4月12日

Ninth Meeting of  
the Committee on Governance and Political Development  
of the Commission on Strategic Development  
12 April 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

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 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

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

周奕希先生, B.B.S., J.P.

Mr CHOW Yung, Robert, B.B.S.

周融先生, B.B.S.

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

馮華健先生, S.B.S., J.P.

Mr HOO, Alan, S.B.S., J.P.

胡漢清先生, 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

李卓人議員

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.  
Mr LUI Tim-leung, Tim, J.P.  
Mr MOK Hon-fai  
Mr NG Sze-fuk, George, S.B.S., 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-qi  
Mr WONG Wai-yin, Zachary  
Mr WONG Ying-ho, Kennedy, B.B.S., J.P.  
Dr ZHOU Ba-jun

李永達議員  
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.  
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

非官方委員 :  
**Non-Official Members :**

Mr CHEN Nan-lok, Philip, S.B.S., J.P.  
Prof CHENG Kwok-hon, Leonard  
Ms CHOW, Wendy  
Ms FONG, Janie  
Prof LEE Chack-fan, S.B.S., J.P.  
The Hon MA Lik, G.B.S., J.P.  
The Hon SHEK Lai-him, Abraham, J.P.  
Mr WONG Kong-hon, S.B.S., J.P.  
Mr YU Kwok-chun, G.B.S., J.P.

陳南祿先生, S.B.S., J.P.  
鄭國漢教授  
周君倩女士  
方文靜女士  
李焯芬教授, S.B.S., J.P.  
馬力議員, G.B.S., J.P.  
石禮謙議員, J.P.  
黃光漢先生, S.B.S., J.P.  
余國春先生, G.B.S., J.P.