

Progress towards Universal Suffrage

2012 Political Reform Proposal for Public Consultation



March 2007

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1. Background of the political reform

- 1.1 Since 1980s, pan-democratic political organizations have a common belief – striving for a democratic political system. It was suggested that all Legislative Councillors shall be constituted fully by direct election in 1988. While it has been already 20 years now from 1988, half of the seats in today’s Legislative Council (Leg Co) are still returned by functional constituency elections, in which some constituencies are extreme ‘small circles’. Voters in functional constituencies can cast two, or even three votes. The extra vote they have is not equal in weight or value to the only one vote the general public each has. An election like this certainly violates the principle of universality and equality.
- 1.2 Before the handover, we already proposed that not only the Leg Co but also the Chief Executive shall be selected by the people under a one-man-one-vote direct election.
- 1.3 Both before and after the handover, Hong Kong people have persistently demanded elections by universal suffrage. In 2003, the July 1 mass rally of 500 thousand people was held to fight for universal suffrage of the Chief Executive and the Leg Co in 2007 and 2008 respectively.
- 1.4 On the 26th of April, 2004, the 10th National People’s Congress Standing Committee (NPCSC) adopted a decision ruling out the possibility of universal suffrage of the Chief Executive and the Leg Co in 2007 and 2008. Under the decision, the Chief Executive shall not be returned by universal suffrage in 2007; half of the Leg Co shall be constituted by functional constituency elections, and the other half by general election. The decision has procrastinated Hong Kong’s progress towards a fully democratic political system.
- 1.5 In 2005, in accordance with the decision by the NPCSC, the Hong Kong SAR government issued “The Fifth Report of the Constitutional Development Task Force” and suggested the method for the selection of the Chief Executive and the Leg Co in 2007 and 2008. The pan-democrats opposed to the government’s proposal for the reasons that it was not a proposal for universal suffrage, nor it contains a timetable and a roadmap towards universal suffrage. Also, the

pan-democrats could not accept the increase of Leg Co seats returned by functional constituency, as well as the preservation of District Council seats by appointment. The government's proposal could not win support of two-third of all Legislative Councillors and was turned down.

- 1.6 Even though the method for the selection of the Chief Executive and the Leg Co in 2007 and 2008 is decided, we have never stopped striving for universal suffrage in the 2012 Chief Executive election as well as the Leg Co election.
- 1.7 Our political reform proposal differs from the government's 2005 proposal being turned down by the Leg Co in that we clearly propose that 2012 shall be the year the Chief Executive and the Leg Co be elected by universal suffrage; the nomination shall be made by a nominating committee of approximately 1200 members, whose responsibility shall be limited to nominating only. The nominated candidate shall be elected by the general public by universal suffrage. The government's proposal, different from ours, proposes that an Election Committee with the number of members increased to 1600 shall elect the Chief Executive. Our proposed nominating committee of approximately 1200 members consists of 400 directly elected district councillors and the existing Election Committee, without including the appointed district councillors who were included in the government's 2005 proposal. Our proposal will widen the electorate base while deny the appointment system of district councillors. In our proposal, we lowered the existing threshold required for nominating candidates to a more reasonable level to allow participation by different social dynamics, and hence encourage competition. In our proposed method for the formation of the Leg Co, not only the merits of geographical direct election are preserved, but also that the small-scale political parties, professional bodies and individuals are accommodated through the "proportional representation system" whereby the whole of Hong Kong will form a single constituency. This will ensure that the Leg Co is constituted into diverse dynamics but not dominated by one single political party. This proposal fulfills the stipulations in the Basic Law and satisfies the demand of the general public for a democratic universal suffrage.

2. Factors considered in the formulation of the proposal

2.1 Hong Kong is a city of freedom and rule of law with well educated citizens. Here, people enjoy freedom of speech and obey to the laws. As an international city, Hong Kong has reconciled with various cultures and values. Unfortunately, these advantages come with a political system that persistently deprives the people of their political right to elect their Chief Executive and the Leg Co. This is extremely unfair and unreasonable.

2.2 In the past years, academic organizations have been surveying the people regarding the appropriate time for universal suffrage. The survey statistics from after 2003 indicates that more than a half of the interviewees agree that the Leg Co and the Chief Executive should be returned by universal suffrage, and this percentage stays at a range of 55% to 80% from time to time¹. The people's demand of a universal suffrage is crystal-clear.

2.3 The Chief Executive deficient in the public's authorization under a one-man-one-vote electoral system may not win support of the Leg Co and the citizens, and this has always caused the tense relationship between the legislature and the executive. Instability emerges when the people lack a channel to express their dissatisfaction by vote whenever the Chief Executive errs on its administration. We trust that electing the Chief Executive under a one-man-one-vote system is an effective solution to the government's difficulties in its governance.

2.4 Hong Kong's functional constituency elections have long been criticized. Since the constituency delimitation lacks an equal and objective basis, it fails to equalize the political rights of every citizen. The existence of functional constituency elections is a clear denotation that not only the political rights of

¹ Web site for such surveys: HKUPOP "People's Support for General Election of the Chief Executive in 2007" (http://hkupop.hku.hk/chinese/popexpress/public_ele/ce1/chart/poll1.gif); "People's Support for General Election of All LC Members in 2008" (http://hkupop.hku.hk/chinese/popexpress/public_ele/lc1/chart/poll1.gif); Lingnan University (<http://www.ln.edu.hk/pgp/level2/pgp-sur-f.htm>); Hong Kong Baptist University (<http://www.hkbu.edu.hk/~hktp/>)

the people but also the value of a vote is not equal - a class of people in the society are privileged to have two, or even three votes, while the general public each has only one vote. Besides, the electorate base in functional constituency elections is narrow, and this has limited its own representativeness and acceptability. Nevertheless, the current system confers equal voting rights to those returned by functional constituency of only tens and hundreds of voters, and to those returned by direct election with a constituency of up to 100 thousand voters.

2.5 Early in 1995, the Human Right Committee of the United Nation has pointed out that the Leg Co functional constituency election does not conform to article 2(1), 25 and 26 of the International Covenant on Civil and Political Rights (ICCPR)². We believe that the Leg Co functional constituency election should be abolished and fully replaced by a universal suffrage system.

2.6 One reason for the government's difficulties in its governance and for the strained executive-legislative relationship is that the Chief Executive is not elected by universal suffrage. Not being backed up by the Leg Co which is elected by the general public, the Chief Executive falls into a plight whenever controversial policies are introduced. We suggest that the formation of the Leg Co should embody political diversity to avoid domination by one single political party, so that the government is still under scrutiny by diverse dynamics even one political party wins both the office of the Chief Executive and majority of Leg Co seats. Where the Chief Executive and the major party are from different political parties, they will be both driven to yield to the will of the citizenry under a system in which the citizenry can hold the government accountable.

² Article 2(1) "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status"; Article 26 "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

3. Principles of the political reform

3.1 We are of the view that the principles of ‘universality’ and ‘equality’ must be conformed to as we progress towards universal suffrage. In other words, Hong Kong citizens should have the rights to vote or be voted in a fair, just and open election in the course of selecting our government. This principle is clearly manifested in article 25 the ICCPR³.

3.2 Therefore, we emphasize the following principles as we work out the 2012 political reform proposal:

- a. Members of the public must be able to exercise a real choice and elect the Chief Executive and all members of Leg Co by universal suffrage;
- b. Fight for amending the Basic Law to abolish the nominating committee so that the nomination procedure will be also equal and universal;
- c. The wishes of the public shall decide which model of political reform should be adopted.

³ Article 25 “Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.”

4. Our political reform proposal for 2012

4.1 Having considered the above factors and principles, we have come to the 2012 political reform proposal as follows:

Model for selecting the Chief Executive by universal suffrage

In 2012, before the nominating committee can be abolished by amending the Basic Law, 400 directly elected district councillors shall be added to the existing 800-member Election Committee, adding up to a total of approximately 1200 committee members⁴. The number of subscribers required shall be 50 regardless of the sector they belong to. The Chief Executive shall be elected by universal suffrage.

Model for forming the Leg Co by universal suffrage

A mixed election model shall be adopted in 2012, whereby half of the seats shall be returned through geographical constituency elections by the “single seat single vote” simple majority system. Under this system, the whole of Hong Kong will be divided into a certain number of constituencies. The other half of the seats shall be returned through elections by the “proportional representation system”, whereby the whole of Hong Kong will form a single constituency. Under this system, each voter shall cast two votes.

⁴ This proposal suggests abolishing 42 District Council members in the existing Election Committee. Therefore, the number of the nominating committee members is approximately 1,160.

5. Features of the political reform

5.1 The Chief Executive shall be elected by the existing Election Committee of 800 members, and also by 400 district councillors who are directly elected by all citizens through a one-man-one-vote system. Our proposal will significantly widen the electorate base of the nominating committee. This conforms to Article 45 of the Basic Law that “the method for selecting the Chief Executive shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures.”

5.2 At the nomination stage of the Chief Executive election, only 50 subscribers are required before a person can be nominated as a candidate. The lowered threshold will encourage participation by representatives from different social backgrounds, classes, with different social and political values. This guarantees that the Chief Executive election is a genuine competition and that the general public is able to exercise a real choice. A Chief Executive returned by universal suffrage will have the authorization given by the people to govern Hong Kong.

5.3 Features of the proposal for forming the Leg Co

- a. It conforms to Hong Kong people’s demand for universal suffrage; citizens will enjoy a fair and equal right to elect;
- b. It conforms to Article 68 of the Basic Law that all legislative councillors shall be elected by universal suffrage;
- c. It simplifies the electoral system for public participation;
- d. It enhances the acceptability and representativeness of the Leg Co;
- e. The geographical “single seat, single vote” direct election produces a closer link between councillors and the electorate, views of the electorate will be

reflected more effectively.

- f. The “proportional representation system” with the whole of Hong Kong forming a single constituency will be more advantageous to individuals, small-scale political parties, the commercial and industrial sector, professionals or even minority groups, so that the interests of different social sectors will be considered.

5.4 A Leg Co constituted by the “single seat, single vote” system and the “proportional representation” system ensures developments of individuals or political parties regardless of its scale. This encourages political diversity and reflects different social values.

5.5 Our political reform proposal for 2012 can be implemented by local legislation without amending the Basic Law.

6. Conclusion

6.1 Our 2012 political reform proposal is a transitional arrangement. In the long-run, the Basic Law may need to be amended to abolish the nominating committee for the purpose of reducing the limitation of nominating candidates in the Chief Executive election.

6.2 We believe that in a modern and civilized society, civil rights must keep abreast with political rights. Through a fair, just and open electoral system, citizens can form an accountable government and enjoy equal rights to select the Chief Executive and all legislative councillors.

21 Pan-democratic Legislative Councillors:

Albert Ho Chun-yan	Martin Lee Chu-ming	Lee Wing-tat
Fred Li Wah-ming	Lee Cheuk-yan	Joseph Lee Kok-long
Audrey Eu Yuet-mee	Margaret Ng	Alan Leong Kah-kit
James To Kun-sun	Kwok Ka-ki	Frederick Fung Kin-kee
Sin Chung-kai	Cheung Man-kwong	Fernando Cheung Chiu-hung
Ronny Tong Ka-wah	Lau Chin-shek	Yeung Sum
Andrew Cheng Kar-foo	Albert Jinghan Cheng	Tam Heung-man

March, 2007

Annex I

Co-signature cordially invited

We have submitted this proposal to the Committee on Strategic Development for discussion at the beginning of April 2007. To consult public opinions, we will request the government to include this proposal in the consultative green paper on political reforms in the future. Therefore, we cordially invite you and your organization to join us as promoters of this proposal by signing your name on it. Together, we will fight for implementing universal suffrage for the election of the Chief Executive and the Legislative Council by 2012.

In that respect, please return the reply slip by fax to the Democratic Party.

Or email to universalsuffrage@gmail.com to show your support as you need to put down your name and the name of organization.

Reply Slip

To: The Democratic Party
Fax No.: 2537 1469
Tel No.: 2869 9630

I/Our _____ organization* agree to be a promoter in support of universal suffrage for 2012 for the election of the Chief Executive and the Legislative Council.

Signature/Chop of the Organisation*: _____

Contact telephone number: _____

Email: _____

Date: _____

*Please cross out where not applicable

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