



## **Law Society's Response on the Consultation Document on the Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012**

We have previously made submissions on 27 September 2004, 25 November 2005 and 10 October 2007 on the subject and will do the same after the Law Society's Constitutional Affairs Committee has had the opportunity to review the Consultation Document published by the Government today. We will make additional comments in due course.

We have the following immediate comments:

### **1. Timetable for Universal Suffrage**

The announcement that the Chief Executive election may be implemented in 2017 and universal suffrage for LegCo can be implemented in 2020 is noted.

However, it appears that the proposed package announced today is in many respects similar to the proposals made in earlier consultations with only minor variations. We have previously pointed out those proposals were not adequately progressive. Hence, if universal suffrage for the election of the CE and LegCo are to take place in 2017 and 2020 respectively, drastic changes to the political system will be required during the run-up from 2012 to 2017. This can potentially be contrary to the "gradual and orderly progress" principle enshrined in Article 45.

### **2. Election of the Chief Executive**

#### **Election Committee**

The proposal to increase the number of Electors from 800 to 1200 is acceptable.

The proposal simply increases the number of representatives in the existing 4 sectors of the Election Committee and this is against our previous submission that the number should be based on 400 District Council constituencies and each constituency would return one directly elected Elector to the Election Committee.

### **3. Threshold for Nomination in the Election Committee**

"The Nominating Committee must be broadly representative" as mentioned in Article 45 of the Basic Law should be interpreted to reflect the wishes of Hong Kong people as a whole rather than reflecting the wishes of a wide number of specific sectors in Hong Kong. The process must give Hong Kong people a genuine choice of candidates representing a diverse range of views. Hence, we are disappointed by the proposed retention of the one-eighth ratio.

#### **4. Legislative Council : Proposal to add additional seats**

##### **(a) Geographical Constituencies**

We welcome in principle the proposal to add 5 geographically-elected seats although this will necessarily mean the addition of five functional constituency seats because of the requirement of maintaining proportionality. See our comments in (b) below.

##### **(b) Additional Seats in LegCo: Functional Constituencies**

Whilst the proposal to establish 5 additional Functional Constituency seats to be filled by directly elected District Councillors is made with good intentions, we consider that the concept of adding five Functional Constituency seats is a retrograde step towards the ultimate goal of universal suffrage. The Law Society has stated that retention of functional constituencies is inconsistent with the ultimate goal of universal and equal suffrage.

We will make further comments after it receives the considered views of the Constitutional Affairs Committee.

For further information, please contact:

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**The Law Society of Hong Kong**  
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