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BY POST

The Hon Tsang Yam Kuen, Donald, GBM, JP
Chief Secretary for Administration
12/F, West Wing, Central Government Offices,
Lower Albert Road,
Central, Hong Kong.

Dear Chief Secretary,

Re: Taskforce on political development

I enclose my article on "What makes a consensus" published on 12 February 2004 in the South China Morning Post which may be of interest to the Taskforce.

With best regards,

Yours sincerely,

(Signed)

Margaret Ng

Encl.

MN/kc

What makes a consensus?

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When a group of Legislative Council members, including myself, met the constitutional development taskforce recently, we raised three crucial points. The first two were that the process of consultation with Beijing must be completely open and transparent, and that Hong Kong people's views and wishes must be fully and fairly represented. These points are self-evident.

The third is the right criteria for a "consensus". This needs to be discussed. No one would disagree that we must have the community's consensus on political reform. There is already overwhelming evidence of the demand for universal suffrage in 2007: the march by more than 500,000 people on July 1; the district council election results; and the march of 100,000 people on New Year's day – not to mention surveys and polls which consistently show that more than 70 per cent of people support universal suffrage. Yet the Hong Kong government does not accept that this is consensus enough. So how is it to be measured?

Recently, traditional "patriotic" groups and individuals, some speaking in the name of business interests, some in the name of upholding the principle of "one country", have become vociferous in opposing universal suffrage. Their aim is to establish that there is no consensus, and their evidence is their own vehement opposition. Is that enough to block

the demand of the huge majority? Should they have a power of veto?

The taskforce was asked what it understood by a "consensus" and how it would be measured. The group accepted that consensus is not the same as unanimity. This is reasonable, because if unanimity has to be reached before a major decision can be taken for the community, it would never happen. Besides, if disagreement itself was enough, without considering whether it has any merit, then political progress would be at the mercy of a handful of diehard conservatives or a privileged few.

Most people agree that some of the "reasons" for opposing political reform are absurd and unfounded, for example, that to start talking about it before Beijing gives the go-ahead is tantamount to asserting Hong Kong's independence; or that universal suffrage in 2007 is not allowed because this is the "ultimate aim", and "ultimate" means close to 2047, or at least some time around 2037.

The taskforce's position was that a consensus means a two-thirds majority of Legco members. This is correct when an actual amendment is proposed for the method of selecting the chief executive or the formation of Legco. It is not helpful for deciding whether the community has reached a consensus.

A consensus must indicate a large majority, not just a marginal one. But there has to be an

objective, fair and widely accepted method of determining the actual size, for example, an independent assessment, including a poll, or a referendum. Whatever the method, it must be declared beforehand.

A consensus does not always exist in the beginning. It has to be built, or won. The first step is to invite people – both those for and against universal suffrage – to voice their views. But it would be ridiculous to conclude from this that there is no consensus. Having stated their views, the two sides should be prepared to debate the issue.

This is where things can be very disappointing in Hong Kong, because opponents of universal suffrage are seldom prepared to engage in open discussion. Last month, the One Country Two Systems Institute organised a round-table meeting between visiting mainland legal experts and some members of Hong Kong's legal sector. However, when Ronny Tong Ka-wah SC, a member of the Article 45 Concern Group, argued against certain views expressed by Xiao Weiyun and invited him to respond, he declined, saying that he preferred to listen.

Those who oppose universal suffrage should be prepared to state the basis of their opposition and answer their critics' arguments. When both sides have done their best to answer each other, it is up to the community to choose, and whoever emerges with a

large-enough majority should carry the day. At the same time, the process of debate may also produce compromise. But deals can only be reached if both sides are sincere and state their genuine concerns, are principled as well as pragmatic, and are fair to each other.

Debate should facilitate compromise. When it fails to do so, it is mostly because the debate is not genuine. Indeed, over the last month or so, public debate has resulted in a consensus on a number of important issues. These include: that it is not against the Basic Law to introduce universal suffrage for selecting the chief executive in 2007; that amending the present method of selecting the chief executive and formation of Legco in 2007 and 2008 respectively do not require the amendment of the Basic Law according to Article 159, but only involve the steps set out in Annex I and Annex II; and that Beijing should be involved in discussions with the Hong Kong people.

The taskforce should represent correctly to the central government the progress of consensus-building in the community. It should also take on the proper role of promoting genuine debate, and determining at the end of it the degree of consensus that has been reached. This requires that the criteria for determining a consensus be declared now.

Margaret Ng Ngoi-ye is a legislator representing the legal profession