



THE  
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OF HONG KONG

香港律師會

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27 September 2004

Secretariat, Constitutional Development Task Force  
Constitutional Affairs Bureau  
3/F, Main Wing, Central Government Offices  
Lower Albert Road, Hong Kong

Dear Sirs,

Re: **The Third Report of the Constitutional Development Task Force**

I refer to the Report and attach the Law Society's submissions on the section: "Method for Selecting the Chief Executive".

Yours sincerely,

(Signed)

Joyce Wong  
Director of Practitioners Affairs  
e-mail:

Encl.

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## **Proposals for Amending the Method for Selecting the Chief Executive**

### **The present method of selecting the Chief Executive**

1. There is no Nominating Committee ("NC") in the current Chief Executive ("CE") election system. At present the Election Committee ("EC") plays the dual roles of nominating CE candidates and electing the CE.
2. The Basic Law states the NC will be responsible for nominating candidates to the CE election, and the public will then elect the CE by universal suffrage.
3. Article 45 of the Basic Law states the future NC will be "broadly representative". Debate has taken place on the constitution of the NC and the following suggestions have been considered:
  - (a) Formation of a separate Committee; or
  - (b) Transform the existing EC or the Legislative Council ("Legco") into the future NC.

### **Additional Members in the EC**

4. As a preparatory step towards universal suffrage there should be greater direct participation by Hong Kong people in the mechanism to select the CE. This could be done by increasing the size of the EC as required by Article 45 "in accordance with democratic procedures".
5. The Law Society recommends the size of the EC should be increased by 400 additional members thus increasing the total number of "Electors" to 1,200.
6. Hong Kong is currently divided into 400 District Council constituencies under 18 Districts, with each constituency returning one directly elected Member to the District Council. Each District Council constituency has a population of

approximately 17,000 people.

7. The additional members to the EC could be directly elected via the existing District Council constituencies thus widening public participation in the selection of the CE.
8. This proposal should be easy for the public to understand as voters are already familiar with the District Council elections. The existing boundaries of the District Council constituencies should be adopted as this will enhance the ties between the voters and the candidates.
9. Under this proposal directly elected members will account for one third of the EC's membership. It will be a gradual but significant step towards the ultimate aim of universal suffrage as stated in the Basic Law.

**Constitutional Affairs Committee**  
**The Law Society of Hong Kong**  
**27 September 2004**

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