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White Paper:

The Further Development of Representative Government in Hong Kong

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WHITE PAPER

THE FURTHER DEVELOPMENT OF REPRESENTATIVE GOVERNMENT IN HONG KONG

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CHAPTER I

INTRODUCTION

The Green Paper

1. On 18 July 1984, the Government published a Green Paper entitled "*The Further Development of Representative Government in Hong Kong*" and invited public comment on the proposals put forward in it.
2. The aims of the proposals were:
 - (a) to develop progressively a system of government the authority for which is firmly rooted in Hong Kong, which is able to represent authoritatively the views of the people of Hong Kong, and which is more directly accountable to the people of Hong Kong;
 - (b) to build this system on our existing institutions, which have served Hong Kong well, and, as far as possible, to preserve their best features, including the maintenance of the well established practice of government by consensus; and
 - (c) to allow for further development if that should be the wish of the community.

Public Response to the Green Paper

3. The Government received and recorded comments from a wide range of sources during the two-month period allowed for public consultation on the Green Paper proposals. In addition to over 360 written submissions to the Government Secretariat from various organizations, groups and individuals, extensive consultation was carried on through the District Offices. Many meetings and public discussions were attended by Government officers, several surveys of public opinion were carried out and an assessment was made of views expressed extensively in the media. Comments were received from many members of District Boards, Area Committees and Mutual Aid Committees. Urban Councillors expressed their views in an open debate on 4 and 6 September 1984, which was followed up by a Resolution from the Standing Committee of the Whole Council on 27 September 1984, and Unofficial Members of the Legislative Council commented on the proposals during the debate in the Legislative Council on 2 August 1984.
4. Public reaction was generally in favour of the aims of the Green Paper and the gradual and progressive nature of the proposals made in it. The need to ensure that the prosperity and stability of Hong Kong are not put at risk by introducing too many constitutional changes too rapidly was widely recognized. Many people supported the proposals as being a realistic and practical framework for the development of representative government at the central level during the next few years.

The White Paper

5. The purpose of this White Paper is to set out, in the light of public reaction, the Government's intentions for 1985 with regard to the next stage of development of representative government in Hong Kong at the central level. The proposals in the Green Paper covered the period up to 1991. The revised plans for 1985 described in this White Paper include several of the original proposals concerning the composition of the Legislative Council in 1988.

6. In preparing the White Paper the Government has recognized the need to keep in mind the provisions of the Draft Agreement on the Future of Hong Kong, and the plans have been framed accordingly.

CHAPTER II

THE LEGISLATIVE COUNCIL

The Electoral College

7. It was proposed in the Green Paper that:

- (a) the electoral college should be composed of all the elected and, to start with, all the appointed members of the Urban Council, the new Regional Council and the District Boards;
- (b) it should be able to elect anyone who is a registered elector on the general electoral roll and who has been ordinarily resident in Hong Kong for a minimum of ten years, not necessarily from among its own members; and
- (c) that these arrangements should be introduced progressively, with six Unofficial members being elected in 1985 and 12 in 1988.

8. There has been much comment on these proposals. One suggestion was for a single list of candidates. Another was for arrangements to be made which would ensure a reasonably balanced geographical distribution of members elected by the college. This might be achieved by dividing the members of the college into groups of districts, each of which would elect one member, with the Urban Council and Regional Council forming separate constituencies to elect one member each.

9. The Government agrees that there should be a reasonably balanced geographical distribution. In consequence, in 1985, the District Board members of the electoral college will be grouped into ten geographical constituencies each based on one, two or three Districts and representing roughly 500 000 people each; and members of the Urban Council and Regional Council will form two special constituencies. Thus the electoral college will return 12 Unofficial members to the Legislative Council in the 1985 elections instead of the six members originally proposed in the Green Paper.

10. For the electoral college elections a list of all members of the Urban and Regional Councils and of the District Boards will be published as the electoral college roll. The qualifications to be a candidate for election to the Legislative Council by the electoral college will be the same as those in the Electoral Provisions Ordinance for election to the Urban Council and the District Boards, namely; a candidate must be a registered voter on the general electoral roll with a minimum of ten years residence in Hong Kong.

11. Further details of these proposals are given at Appendix A.

The Functional Constituencies

12. The Green Paper stressed that full weight should be given to representation of the economic and professional sectors of Hong Kong society which are

essential to future confidence and prosperity. It was therefore proposed that the present informal system of selecting Unofficial members of the Legislative Council from functional constituencies should be developed into a formal representative system for the election of one or more representatives from each functional constituency to serve on the Legislative Council. It was also proposed that these arrangements should be introduced progressively, with six Unofficial members being elected by functional constituencies in 1985 and 12 in 1988.

13. A further detailed examination has been conducted to identify functional constituencies with the object of ensuring that those major sectors of the community having common social, economic and occupational interests are represented. It has been concluded that these would be best served initially by the election of 12 members from nine constituencies, namely commercial, industrial, financial, labour, social services, education, legal, medical, and engineers and associated professions.

14. The main guidelines which have been applied in determining the composition of these functional constituencies and eligibility to vote in them are as follows:

- (a) In the case of economic and social constituencies, these will be based on well-recognized major organizations, associations, and institutions with a territory-wide coverage. The lists of the voting members of these organizations will be adopted as the electoral rolls for these constituencies. Corporate members will nominate representatives to vote on their behalf.
- (b) In the case of professional constituencies, these will be based on membership of those professions with well-established and recognized qualifications. The electoral rolls for these constituencies will be based on either the membership lists of the various major professional bodies and institutions or on the statutory registers of members of those professions.

15. Further details of the composition of the functional constituencies which have been identified and the number of seats to be allocated to them are given in Appendix B.

16. The electoral rolls will be published initially in the normal way as provisional rolls and thereafter as definitive or final rolls. Provision will be made for annual revision of the electoral rolls in the case of functional constituency organizations by notification by them of any additions or deletions to their membership lists, but for the names of those nominated to represent corporate bodies to be varied at any time by advice in writing to the Registration Officer; and also for the constituencies to be defined and for the seats in each constituency to be declared by Order. It is otherwise proposed that the provisions dealing with the nomination of candidates, the lodgement of nomination papers, the voting procedure and conduct of elections, the pro-

cessing of election appeals and so on should be as in the existing Electoral Provisions Ordinance and associated legislation applicable to the Urban Council and District Board elections.

17. As in the case of the electoral college constituencies the qualifications for nomination as a functional constituency candidate will be that the nominee shall have registered as a voter on the general electoral roll and have resided in Hong Kong for the ten years immediately prior to the date of his nomination and, additionally, the nominee shall also have registered as a voter for that constituency. It will also be necessary to be a registered voter on the general electoral roll to qualify as a voter in a functional constituency.

18. Consultations will be held with the organizations and professional bodies which will make up the functional constituencies, with a view to working out detailed arrangements for the 1985 elections.

Appointed Unofficial Members

19. It was proposed in the Green Paper that the number of appointed Unofficial members should be reduced progressively to 23 in 1985 and 16 in 1988. Public comment on this proposal varied widely from support for the retention of appointed Unofficial members indefinitely to suggestions that they should be removed from the Council completely as soon as possible.

20. If an element of continuity is to be maintained in the Legislative Council it would be unwise to reduce appreciably or too hastily the number of appointed members at this stage, for their experience in the workings of the Council should not be lost. The introduction of 24 elected members into a Council of the present size would require a significant reduction in the number of appointed Unofficial members. It has therefore been decided to increase the overall size of the Council to 56 and to reduce the number of appointed Unofficial members to 22 in 1985. The increase in the overall size of the Council is supported by the public view that the Council should be larger in order to meet the wide and diverse needs of present-day Hong Kong.

Official Members

21. It was proposed in the Green Paper that the three ex-officio members of the Legislative Council, the Chief Secretary, the Financial Secretary and the Attorney General, should remain on the Council, but that the overall number of Official members should be reduced progressively to 13 in 1985 and ten in 1988.

22. The general view was in favour of this proposal. It is now intended that the reduction to ten will take place in 1985 in line with the increase in the number of elected members. This will still allow for a reasonable number of officials to remain in the Legislative Council at this stage to assist in the conduct of the business of the Council.

The Composition of the Legislative Council

23. The composition of the Legislative Council in 1985 and 1988 proposed in the Green Paper was as follows:

	1985	1988
(a) Elected by electoral college	6	12
(b) Elected by functional constituencies	6	12
(c) Appointed by the Governor	23	16
(d) Official members	13	10
	<hr/>	<hr/>
Total	48	50
	<hr/>	<hr/>

24. As a result of the changes which have been made to the original proposals, the composition of the Council in 1985 will now be as set out below. The additional seats required to cater for the increase in elected membership have been partially offset by a small reduction in seats for Appointed and Official members.

	1985
(a) Elected by electoral college	12
(b) Elected by functional constituencies	12
(c) Appointed by the Governor	22
(d) Official members	10
	<hr/>
Total	56
	<hr/>

Direct Elections

25. The relative merits of direct and indirect elections attracted considerable public interest and comment. However there was little evidence of support in public comment on the Green Paper for any move towards direct elections in 1985. With few exceptions the bulk of public response from all sources suggested a cautious approach with a gradual start by introducing a very small number of directly elected members in 1988 and building up to a significant number of directly elected members by 1997. Proposals that the Legislative Council's Unofficial members should all be returned by direct elections were in the minority. There was considerable general public concern that too rapid progress towards direct elections could place the future stability and prosperity of Hong Kong in jeopardy. In summary, there was strong public support for the idea of direct elections but little support for such elections in the immediate future.

The Review

26. It was proposed in the Green Paper that a review should take place in 1989, after the second elections to the Legislative Council had been held in 1988,

with a view to deciding, in particular, the future position of appointed Unofficial members and other possible mixes of members elected by the electoral college and the functional constituencies. It was further stated that other types of electoral arrangements including the possibility of direct elections, might be considered in the review.

27. There was strong public support for the idea that there should be a review and that it should occur before 1989. It was argued that this should take place before the 1988 elections and the second phase of development. This would give an opportunity for further consultation about future development including such questions as the introduction of direct elections.

28. Since some of the Green Paper proposals concerning the composition of the Legislative Council have been brought forward from 1988 to 1985, it has been argued that the review should be held after 1988 in order to allow time for the new arrangements to settle down. On the other hand, there was strong public feeling that the timing of the review should be brought forward. There will also be a need to consider matters such as direct elections and other issues raised in the Green Paper and subsequently in public debate. After careful consideration the Government has decided to bring forward the review to 1987.

CHAPTER III

THE EXECUTIVE COUNCIL

29. It was proposed in the Green Paper that the majority of appointed Unofficial members of the Executive Council should be replaced progressively by members elected by the Unofficial members of the Legislative Council, but the number of ex-officio members should remain at four.

30. There was much less comment on the Executive Council proposals than on those about the Legislative Council. An alternative proposal was made that any future Chief Executive should be free to choose his own Executive Council.

31. It is not proposed to make any changes affecting the Executive Council in 1985. The issue will remain open for further public discussion and consideration.

A Ministerial System

32. In response to the Green Paper a substantial number of suggestions were made that Unofficial members of the Executive Council should be given more power and authority to control and supervise the policies and the operations of the Government through some form of ministerial system in future.

33. This issue, like that concerning the position of the Governor, raises important constitutional questions. It is not a matter that need be decided in the immediate future nor is it the only way of proceeding. The whole subject will be addressed further at a later stage.

CHAPTER IV

THE GOVERNOR

34. Only one proposal was made in the Green Paper with regard to the position of the Governor, namely, that in due course he should be replaced as President of the Legislative Council by a Presiding Officer elected by the Unofficial members of the Legislative Council from among their own number.

35. Although the proposal to replace the Governor as President of the Legislative Council by an elected Presiding Officer was, on the whole, reasonably well received, it seems clear that the general view is in favour of making no significant changes in the position of the Governor during the next few years. Public opinion seems to favour caution as far as the immediate future is concerned.

36. It is therefore proposed to re-consider the Governor's position as President of the Legislative Council in the review in 1987.

37. As regards the position of the Governor in general, the Green Paper stated that the Governor will continue to be appointed formally by the Queen until 1997 and there was strong public support for this. Since the Green Paper was published the Draft Agreement on the Future of Hong Kong has been initialled in Peking. Any proposals for change in the position and role of the Governor will need to take into account the provisions of the Joint Declaration and these important issues will be considered at a later stage.

CHAPTER V

OTHER RELATED MATTERS

Civic Education

38. An opinion which has been expressed strongly by many organizations and individual members of the public is that arrangements should be made for the people of Hong Kong to be educated more effectively and comprehensively in political and constitutional matters so that they will be able to understand better all the implications and complexities of proposals for the development of the system of government in Hong Kong.

39. The Education Department has been promoting civic education in schools for many years through Social Studies and Economic and Public Affairs courses. It is the intention to develop these further in a new syllabus covering Government and Public Affairs. Civic education will be pursued both through the formal school curriculum and extra-curricular activities, such as current affairs clubs, debating societies and visits for senior students to District Boards, the Urban Council, the UMELCO Office, government departments and the Legislative Council.

40. It is also important that adults should be given the opportunity to receive more civic education and encouragement will be given to other educational institutions and organizations to provide more courses in constitutional and public affairs for the general public.

Remuneration for Unofficial Members of the Legislative Council

41. Several suggestions were made that Unofficial members of the Legislative Council should be provided with adequate remuneration so as to enable them to devote the proper amount of time and attention to their duties as Councillors. This would also help to ensure that prospective candidates for the Legislative Council are not prevented from standing for election for financial reasons.

42. Although arrangements already exist for certain expenses to be reimbursed to Unofficial members, it is now proposed that a standard rate of remuneration as well as payment of expenses should be provided. The level is now under consideration, with a view to introducing the scheme when the first elected Unofficial members join the Legislative Council.

CHAPTER VI

LEGISLATION

43. In order to implement the changes in the composition and method of selection of the Legislative and Executive Councils it will be necessary to make some amendments to the two main constitutional instruments, the Letters Patent and the Royal Instructions. The intention is to effect these in stages, as and when necessary.

44. It will also be necessary to enact legislation in Hong Kong to cover the holding of elections to the Legislative Council by the electoral college and the functional constituencies and who may vote in them. This legislation is now being drafted and will be published for debate in the Legislative Council early next year. As there is a degree of public familiarity with the legislation governing elections to the Urban Council and District Boards, and in order to minimize possible confusion and misunderstanding, the electoral legislation will be framed on broadly similar lines.

45. In order to give sufficient time for preparation of this complex legislation and for all the necessary administrative arrangements for the holding of the elections to be made, it is now intended to hold the first electoral college and functional constituency elections to the Legislative Council in September 1985, instead of July as originally proposed in the Green Paper.

CHAPTER VII

SUMMARY

46. A summary of the Government's intentions and legislative proposals relating to the further development of representative government at the central level in Hong Kong is as follows:

Main Aims (Chapter I)

- (a) The main aims are to develop progressively a system of representative government at the central level which is more directly accountable to the people of Hong Kong and is firmly rooted in Hong Kong; to base this system on our existing institutions, as far as possible, and to preserve their best features; and to allow for further development later on. The objectives described in this White Paper are intended to cover only the next stage in the development of representative government in Hong Kong. Further developments will be considered later in the light of experience.

The Legislative Council (Chapter II)

- (b) In 1985, 24 Unofficial members of the Legislative Council will be elected:
 - (i) by an electoral college composed of all members of the Urban Council, the new Regional Council, and the District Boards, and
 - (ii) by specific functional constituencies.
- (c) The District Board members of the electoral college will be grouped into ten geographical constituencies. Members of the Urban Council and Regional Council will form two special constituencies. Thus 12 Unofficial members will be elected to the Legislative Council from the electoral college in 1985.
- (d) In 1985 there will be nine functional constituencies returning 12 members to the Legislative Council on the basis set out in paragraph 14.
- (e) The number of appointed Unofficial members of the Council will be reduced to 22 in 1985.
- (f) The number of Official members of the Council will be reduced to ten in 1985.
- (g) The composition of the Legislative Council in 1985 will be:
 - (i) 12 Unofficial members elected by the electoral college,
 - (ii) 12 Unofficial members elected by functional constituencies,
 - (iii) 22 Unofficial members appointed directly by the Governor,
 - (iv) ten Official members (including the three ex-officio members), making a total of 56 members.
- (h) A review to assess progress made in the development of representative government will be carried out in 1987. Further consideration will be given to direct elections in the context of the review.

The Executive Council (Chapter III)

- (j) No conclusions have been reached about the development of the Executive Council, nor about the introduction of a ministerial system and these matters will be considered further at a later stage.

The Governor (Chapter IV)

- (k) The position of the Governor as President of the Legislative Council will be considered further in the review in 1987. The general position of the Governor will need to be addressed at a later stage.

Other Related Matters (Chapter V)

- (l) Development of Government and Public Affairs courses in schools will continue and encouragement will be given to other educational institutions and organizations to provide more courses in civic education for the general public.
- (m) Unofficial members of the Legislative Council will receive suitable remuneration and expenses for their services.

Legislation (Chapter VI)

- (n) The first elections will be postponed from July to September 1985 to allow for the enactment of the necessary legislation and for the necessary administrative arrangements to be made.

APPENDIX A

The Electoral College

The electoral college will comprise all members of the District Boards, the Urban Council and the new Regional Council. The college will elect 12 Unofficial members to the Legislative Council in September 1985.

2. In order to achieve a more balanced and adequate representation the District Boards will be grouped into ten geographical constituencies each representing approximately 500 000 people.

3. The remaining two seats will be provided by the two special constituencies formed respectively by members of the Urban Council and the Regional Council. The interests of the Heung Yee Kuk will be represented through the Regional Council.

4. Details of the 12 constituencies formed from the electoral college are in the table below.

<i>Constituency</i>	<i>Population (000)</i>	<i>Grouping</i>	<i>Population (000)</i>
1. East Island	696	Eastern District	481
		Wan Chai District	215
2. West Island	507	Central & Western District	272
		Southern District	235
3. Kwun Tong	663	Kwun Tong District	663
4. Wong Tai Sin	452	Wong Tai Sin District	452
5. Kowloon City	441	Kowloon City District	441
6. Sham Shui Po	435	Sham Shui Po District	435
7. South Kowloon	389	Mong Kok District	215
		Yau Ma Tei District	174
8. East New Territories	524	North District	134
		Tai Po District	109
		Shatin District	281
9. West New Territories	459	Yuen Long District	238
		Tuen Mun District	221
10. South New Territories	726	Tsuen Wan District	654
		(Incl. Tsing Yi)	
		Island District	37
		Sai Kung District	35
11. Urban Council			
12. Regional Council			

APPENDIX B

Functional Constituencies

Nine functional constituencies will return an overall total of 12 Unofficial members to the Legislative Council in the elections planned for September 1985.

2. The commercial, industrial, and labour constituencies will each return two Unofficial members to the Legislative Council. The remaining six constituencies will each return one Unofficial member.

3. Details of the nine functional constituencies are in the table below.

<i>Constituency</i>	<i>Representative Organizations</i>	<i>No. of Seats</i>	<i>Total Seats</i>
1. Commercial	Hong Kong General Chamber of Commerce	1	2
	Chinese General Chamber of Commerce	1	
2. Industrial	Federation of Hong Kong Industries	1	2
	Chinese Manufacturers Association	1	
3. Financial	Hong Kong Association of Banks	1	1
4. Labour	All Registered Employee Trade Unions	2	2
5. Social Services	Hong Kong Council of Social Services	1	1
6. Medical	Hong Kong Medical Association	1	1
7. Education	Electoral rolls compiled from: statutory lists, as well as membership staff lists of institutions and relevant professional bodies	1	1
8. Legal		1	1
9. Engineers and associated professions		1	1
		Total	12

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