



**White Paper :**

**The Development of  
Representative Government :  
The Way Forward**

**February 1988**



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# CHAPTER I

## INTRODUCTION

### Background

On 27 May 1987 the Government published a Green Paper entitled 'The 1987 Review of Developments in Representative Government'. Hong Kong's system of representative government has been developing since the 1970s. It was last reviewed in 1984, when elections to governmental institutions were still confined to the regional and district levels of government. As a result of that review, the Government decided to extend the electoral process to the central level. Accordingly, the Legislative Council was significantly reorganized in 1985 with the introduction of 24 Members elected by functional constituencies and an electoral college. The Government also announced in 1984 its decision to review the development of the whole system of representative government again in 1987. That review began with the publication of the Green Paper.

### General Objectives

2. Hong Kong has evolved over the years a system of government which differs from those elsewhere in the world. This has reflected the special circumstances of Hong Kong, including its status as a non-sovereign territory; its small area with a large, rapidly growing and increasingly educated population; its fast pace of economic and social development; and its position as a major business and financial centre. These factors have required the Government to develop the system of administration to meet the growing needs and expectations of society, while maintaining political stability, economic prosperity and effective administration.

3. This requirement continues to shape the Government's thinking on the system of government. The system has to evolve as Hong Kong society develops, so as to ensure that the Government continues to have the support of the community. At the same time, the need to maintain stability and prosperity under an effective administration remains as strong as ever.

4. These considerations point towards the value of developing a more representative system, so as to improve the responsiveness of the Government to society's needs. It should also be recognized that Hong Kong's stability and prosperity owe much to consistent policies and prudent development. This points to the need to evolve gradually from the unique system that has served Hong Kong well until now, and not to force the pace of reform to an extent that might introduce instability and uncertainty into the administration of the territory. In this connexion, it is particularly important that the people of Hong Kong should have confidence in the system of government during the period leading up to the restoration of Hong Kong to China in 1997, and in continuity



after 1997 when Hong Kong will be a Special Administrative Region of the People's Republic of China.

5. The Government's objectives with regard to the system of representative government in Hong Kong are therefore as follows:

- (a) that it should continue to evolve to suit Hong Kong's circumstances;
- (b) that its development should be prudent and gradual;
- (c) that any reforms should have the widest possible support so as to command the confidence of the community as a whole; and
- (d) that the system in place before 1997 should permit a smooth transition in 1997 and a high degree of continuity thereafter.

### **The Green Paper**

6. The Green Paper of May 1987 sought the views of the community on whether the system of representative government should be further developed in 1988 and, if so, in what manner. The main issues addressed in the Green Paper were:

- (a) the composition and functions of the District Boards and Municipal Councils and possible ways of improving the links between them;
- (b) the composition of the Legislative Council and the methods of selecting its Members, including whether and, if so, when an element of direct elections should be introduced;
- (c) whether the Governor should continue to be the President of the Legislative Council; and
- (d) practical aspects of elections to the District Boards, the Municipal Councils and the Legislative Council.

7. The Green Paper discussed a number of issues affecting the three tiers of the present system of government. It put forward a range of options, and set out the arguments for and against each of them, but did not make recommendations. The object was to encourage the widest possible public response.

### **The Survey Office**

8. A Survey Office was set up to collect public opinion on the Green Paper. It operated outside the ordinary machinery of government and without interference from the Administration. Two independent monitors were appointed to oversee its work. Its task was to collect and collate, but not to assess, the views expressed by the public. Its terms of reference and those of the monitors are at Appendix A. The Survey Office received submissions from the public from 27 May to 30 September 1987. It submitted its report on the public response on 29 October 1987, and the monitors submitted their separate report on the following day. Both reports were tabled in the Legislative Council and published on 4 November. The monitors concluded in their report that the Survey Office had carried out its duties properly, accurately and impartially, and in line with its terms of reference.

## **Public Response**

9. The Green Paper succeeded in eliciting widespread public response. During the four months of the public consultation period, the Survey Office received 131,589 written submissions. In addition, 168 public opinion surveys were conducted and there were 21 signature campaigns. This response was unprecedented. In comparison, the 1984 Green Paper on the future development of representative government attracted 364 submissions; and the assessment in late 1984 of the acceptability of the draft agreement on the future of Hong Kong attracted 2,494.

10. The Legislative Council held debates on the contents of the Green Paper and on the reports of the Survey Office and the monitors. Both Municipal Councils and all 19 District Boards discussed the issues raised in the Green Paper. These discussions and other comments on the Green Paper exercise were covered extensively by the media.

## **The White Paper**

11. In drafting this White Paper, the Government has taken full account of all the views expressed by the public during the period of the review. It has also kept in mind the special circumstances of Hong Kong as summarized above; the provisions of the Sino-British Joint Declaration on the Question of Hong Kong; and the progress made by the Chinese Government in drafting the Basic Law for the future Hong Kong Special Administrative Region. The following chapters set out the Government's decisions on the next steps in the development of representative government.

## CHAPTER II

### THE PRESENT SYSTEM OF REPRESENTATIVE GOVERNMENT

12. The present system of representative government has evolved gradually over the years. It consists of three separate but inter-connected tiers—at district, regional and central level.

13. Each tier has its own role. At district level, the 19 District Boards are advisory bodies concerned with local matters affecting the daily lives of the residents of their districts. At the regional level, the Urban and Regional Councils (the two 'Municipal Councils') are statutory, financially autonomous bodies with executive responsibility for providing public health, cultural and recreation services in their regions. At the central level, the Legislative Council enacts laws, debates policy issues and controls public expenditure. The Administration is accountable to the Council for the implementation of Government policy and the expenditure of public funds.

14. The District Boards consist mainly of members directly elected by constituencies with about 25,000 residents for each member. About one third of their members are appointed by the Governor. District Board members keep in close touch with public opinion in their districts through contacts with local residents and local organizations such as Area Committees and Mutual Aid Committees.

15. The Municipal Councils also include directly elected members. Constituencies are much larger than those for District Boards, with about 210,000 residents for each elected Council member. Half the members of the Urban Council are directly elected, and the other half appointed. The Regional Council's composition is more complicated. One-third (twelve members) are directly elected. Nine are indirectly elected, one from each District Board in the region. The Chairman and two Vice-Chairmen of the Heung Yee Kuk are ex-officio members, providing a direct link with the indigenous residents of the New Territories. The remaining twelve members of the Regional Council are appointed by the Governor.

16. Until 1985 the Legislative Council was composed entirely of Appointed Members, including a substantial number of Government officials. In that year the numbers of Official and Appointed Members were reduced to ten and 22 respectively and, for the first time, 24 Elected Members were introduced. Twelve of these Members are elected from 'functional' constituencies based on major professional and occupational groups. The other twelve are elected on a geographical basis by an electoral college comprising all members of the Municipal Councils and District Boards.

17. The three-tier structure has proved itself to be well suited to Hong Kong's requirements. The public response to the Green Paper was strongly in favour



of retaining it. The Government intends to plan the further development of representative government on the basis of this structure, and with the following points in mind:

- (a) The responsibilities of each of the three tiers of government should be clear, and their roles should not overlap.
- (b) The three tiers should co-operate effectively, and be linked in such a way that the views and concerns at each level of government are adequately represented at the next higher level.
- (c) The methods of choosing the membership of each tier of government should be such that the Board or Council will be in close touch both with the views of the general public and of those sectors whose concerns are particularly relevant to its work.

## CHAPTER III

### DIRECT ELECTIONS TO THE LEGISLATIVE COUNCIL

#### Public Response

18. Of all the questions raised in the Green Paper, the subject of direct elections to the Legislative Council produced by far the greatest public response. The Survey Office received 124,228 submissions on the matter from individuals and groups of individuals, representing the views of 137,217 people in all. More than half of the submissions from individuals came in the form of a variety of pre-printed standard letters. It also received 605 submissions from associations and other bodies. 164 public opinion surveys of various sorts addressed the issue, and 21 signature campaigns collected over 200,000 signatures. The Legislative Council debated the subject and the Municipal Councils and all District Boards discussed it.

19. The bulk of the views expressed favoured introducing directly elected Members into the Legislative Council. Even allowing for the fact that many people did not express any views, it is plain that there is a strong trend in public opinion in favour of developing the present system to include a directly elected element at the central level of government and doing so well before 1997.

20. On the question of whether a directly elected element should be introduced in 1988 opinion was, however, sharply divided. Those who favoured introduction in 1988 argued that direct elections were important for the development of more open, accountable and representative government and should therefore be introduced as early as possible. Those against argued that introduction in 1988 was too soon either because it could endanger stability and continuity, coming within three years of the last major reorganization, or because the system of elections to be used after 1997 had not yet been established in the Basic Law due to be promulgated in 1990.

21. Among submissions to the Survey Office from individuals, groups and associations, more were against than in favour of the introduction of direct elections in 1988. The two public opinion surveys commissioned by the Survey Office produced a similar result. Other public opinion surveys and, in particular, signature campaigns were in favour of direct elections in 1988. Opinions among Legislative Councillors, Municipal Councillors and District Board members differed widely.

22. Taken as a whole, the public response to the Green Paper showed that there is wide support among the people of Hong Kong for the principle of introducing some directly elected Members into the Legislative Council, but that the community is divided over the timing of this move.

23. Opinions on how direct elections might be organized were few and also divided. On balance those who commented were in favour of having several constituencies rather than a territory-wide constituency, and of having direct elections in addition to, rather than instead of, indirect elections by an electoral college.

### **Stability and Transition**

24. Stable government has always been crucial to the success of Hong Kong. It will remain crucial in the years leading up to 1997 and beyond. Stability is essential for confidence in the government and in the future of the territory, as well as for overseas business confidence in Hong Kong. This important point has always been well recognized by the community.

25. The maintenance of stability requires that the development of Hong Kong's system of representative government should continue to be evolutionary rather than revolutionary; that each step should be carefully considered; and that changes should command wide support and confidence in the community.

26. Such evolution must also be compatible with a smooth transfer of government in 1997. There will be inevitable changes at that time. The interests of the community will be best served if there is also a high degree of continuity and the form of government is one with which the people of Hong Kong are already familiar. In considering the development of Hong Kong's system of representative government before 1997, account must therefore be taken of the relevant stipulations of the Sino-British Joint Declaration and the deliberations of the Basic Law Drafting Committee over how those provisions should be implemented after 1997. In this connexion, the Government has taken note of the fact that all the options in the latest draft of the Basic Law concerning the election of the future legislature include an element of direct elections.

### **Introduction of Direct Elections**

27. Having taken account of all the factors considered above, the Government has concluded that the introduction of a number of directly elected Members into the Legislative Council before 1997 would be a logical and desirable further step in the development of Hong Kong's system of representative government. It would be welcomed by the community and would be conducive to the maintenance of stability.

28. On the question of timing, the Government has concluded that it would not be right to make such a major constitutional change in 1988, given that opinions in the community on this issue are so clearly divided. The argument that the Legislative Council should continue for one more term with its present forms of membership, rather than undergo a second restructuring in three years, is strong. However, there are also good reasons for leaving sufficient time before 1997 for the new form of election to become firmly established. The Government has therefore decided to introduce a number of directly elected Members into the Legislative Council in 1991.

29. The Government believes that direct elections are best carried out on the basis of single-seat geographical constituencies. This raises the question of what happens to the present geographically-based electoral college seats. It is difficult to see any advantage in having two parallel systems of geographical representation in the Legislative Council, operating both directly and through District Boards. That would mean having Members elected on a geographical basis by both direct and indirect methods. In addition, having two types of geographically elected Members would involve substantially increasing the size of the Legislative Council and upsetting its overall balance. The Government has therefore decided that, in 1991, there should be ten directly elected seats, one from each of ten district-based constituencies, and that these should take the place of the ten seats currently filled by indirect elections from the District Boards. The future of the remaining two electoral college seats—those elected by members of the Municipal Councils—is discussed in Chapter IV of this White Paper.

30. Detailed arrangements for the conduct of direct elections, including the drawing up of constituencies, will be devised over the next two or three years.



## **CHAPTER IV**

### **COMPOSITION OF THE LEGISLATIVE COUNCIL**

31. As well as the question of direct elections, the Green Paper put forward a number of options for changes in 1988 to the numbers of Official, Appointed and Elected Members of the Council.

#### **Public Response**

32. These issues stimulated comments in over 42,300 submissions to the Survey Office, 108 public opinion surveys and one signature campaign. The general view was that there should be no major changes in the composition of the Legislative Council in 1988, but there were varying degrees of support for adjustments to the number of seats in one or more of the existing categories of membership.

33. There was a substantial majority of views in favour of retaining the present number of Official Members, i.e. ten. Many people thought that a reduction would hamper efficiency.

34. Most submissions from individuals did not favour changing the number of Appointed Members in 1988. Many stressed the value of the wide range of experience that this group brought to the Council. However, another body of opinion, including most of the submissions from groups and associations, was in favour of reducing the number of Appointed Members.

35. In general the public response supported the concept of the functional constituency system and an increase in the number of Members elected in this way. There was a large response from groups and associations seeking representation, either for themselves or for bodies to which they are affiliated.

36. Many District Board members favoured an increase in the number of Members elected by the electoral college. A clear majority of submissions to the Survey Office, however, opposed changing either the number of electoral college constituencies or the number of Members elected by each constituency.

37. The Green Paper raised, as an issue for discussion in the longer term, a suggestion that a proportion of the members of the legislature might in future be elected by a new, broadly-based electoral college. Few submissions commented on this concept, but the public opinion surveys commissioned by the Survey Office showed that there was some interest in the community in considering the idea further.

#### **Official and Appointed Members**

38. It would be in line with the evolution of representative government gradually to reduce the proportion of Appointed Members, including appointed

Official Members, in the Legislative Council. The appointment system will in any case have to cease by 1997, because of the stipulation in the Sino-British Joint Declaration that the legislature of the Hong Kong Special Administrative Region will be constituted by elections. Nevertheless there is a strong argument against moving too quickly in this direction. The introduction of 24 Elected Members in 1985, out of a total membership of 56, marked a significant change in the overall composition of the Council. The effect of any further changes would need to be carefully measured.

39. The ten Official Members—three ex-officio and seven appointed—are responsible for introducing Government business into the Legislative Council, explaining Government policy and answering other Members' questions on the administration of Hong Kong. They will continue to be required to fulfil these functions until the relevant longer-term constitutional issues have been settled. The number of Official Members was reduced in 1985 from 18 to ten. As a result, Official Members now have to handle some matters in the Council which do not fall within their particular areas of policy responsibility. This system is not ideal: it would clearly be better to have the official directly responsible for each item of business present in the Council to handle it. However, this would mean either appointing more Official Members, or finding alternative ways of enabling a wider range of officials to participate in the Council's proceedings. The response to the Green Paper showed that most people are not in favour of increasing the number of Official Members. Alternatives might be to arrange for different groups of officials to attend each meeting or to have officials attend meetings as non-members. An ever-changing team of Official Members would, however, run the risk of radically altering the relationship between the Council and the Administration or damaging the cohesion of the Council.

### **Elected Members**

40. As set out in Chapter III of this White Paper, ten directly elected members will be introduced into the Legislative Council in 1991. They will replace the ten members currently elected by the geographical (District Board) constituencies of the electoral college. The remaining two seats under the present electoral college arrangement are filled by the special constituencies of the Urban and Regional Councils. There are strong reasons for continuing to have elected representatives of the two Municipal Councils on the Legislative Council. They form a key part of the system of links between the three tiers of representative government (as described in paragraph 17(b) of Chapter II). Consequently, although the present electoral college will be abolished in 1991, the Government has decided to retain two special constituencies so that each of the Municipal Councils may continue to elect a Member to the Legislative Council.

41. So far as the functional constituency system is concerned, there is a good case for limited expansion in 1988. The system has worked well since its introduction in 1985. The public response to the Green Paper showed that there

is wide support for developing it further. The Green Paper suggested the following guidelines by which to consider whether a group or groups should become a functional constituency:

- (a) functional constituencies should be substantial and of importance in the community;
- (b) any new constituency should be clearly defined to avoid difficulties over who qualifies for inclusion and how the electorate is prescribed;
- (c) constituencies should not be based on ideology, dogma or religion;
- (d) particular groups or bodies should not be represented in more than one functional constituency.

When these guidelines are applied to the many claims made for functional constituency representation, they suggest that the range of sectors represented by the present nine constituencies\* is about right but that there is a case for enlarging particular constituencies to include more groups with related interests. Consequently the Government has concluded that there should be a small increase in the number of seats elected through functional constituencies.

## Conclusions

42. In the light of all these considerations, the Government has decided that the composition of the Legislative Council from 1988 should be as follows:

- (a) There will continue to be ten Official Members, as at present. In order to ensure that official representation in the Council is as effective as possible, the Governor may from time to time appoint different officials to the Council according to the business to be conducted during the session and the policy expertise required. Each appointment will be for a continuous period of reasonable length.
- (b) The number of Appointed Members will be reduced from 22 to 20.
- (c) The number of Members elected by functional constituencies will be increased from twelve to 14. One additional Member will be elected from an enlarged Financial constituency (to be renamed the 'Finance and Accountancy' constituency) and will represent members of the accountancy profession. The other will be elected from an enlarged Medical constituency (to be renamed the 'Medical and Health Care' constituency) which will have two divisions: one consisting of doctors and dentists and the other of nurses, midwives, pharmacists and five paramedical professions. Each division will elect one Member to the Legislative Council. Details of how these two new constituencies will be organized are given at Appendix B.
- (d) The number of Members elected by the electoral college will remain unchanged.

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\* The present nine constituencies are: Commercial; Industrial; Financial; Labour; Social Services; Medical; Teaching; Legal; and Engineering, Architectural, Surveying and Planning.

43. The composition of the Legislative Council in 1988 will therefore be as follows:

Official Members	10
Appointed Members	20
Members elected by functional constituencies	14
Members elected by the electoral college	12
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	56
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44. For 1991, the effect of the decisions announced in this White Paper will be:

- (a) to introduce ten Members directly elected from geographical constituencies;
- (b) to abolish the present geographically-based electoral college system of election, but retain two special constituencies for the Urban and Regional Councils each to elect one Member to the Legislative Council.



## CHAPTER V

### THE DISTRICT BOARDS AND THE MUNICIPAL COUNCILS

45. The Green Paper presented options for changes in the role and composition of the District Boards; the relationship between urban District Boards and the Urban Council; and the size and committee structure of the Urban Council.

#### **Role and Composition of District Boards**

46. The Survey Office reported that most submissions on this subject were not in favour of changing the role of District Boards. Many argued that this would involve major constitutional change. Some felt that it could confuse the relationship between the three tiers of government and complicate the implementation of territory-wide policies. Most Legislative and Municipal Councillors who spoke publicly on the matter shared these views, although many also felt that the District Boards' advisory function should be enhanced. District Board members themselves were divided in their views. Public opinion surveys however showed a measure of public support for giving District Boards powers to take decisions and direct government action on certain district matters.

47. Opinion on the question of the composition of District Boards was generally against change in 1988, although there was some support for reducing the number of appointed members.

48. District Boards have proved themselves to be a valuable part of the system of representative government in Hong Kong. There is no demand for fundamental changes to their present role or composition. There is however clear support for developing their advisory role. The Government has decided to do this by requiring Government departments to consult the Boards about all district matters. Where the advice of the Boards cannot be accepted, or if proposals on which the Boards have given advice subsequently undergo significant change, the departments concerned will be required to explain their reasons to the Boards. Furthermore, departments will, as far as possible, consult District Boards on their annual programme of work in the district, rather than piecemeal on individual projects, in order to give the Boards a broad picture within which to advise on priorities.

49. The Government also intends to increase gradually the resources provided to District Boards for local environmental projects and community activities, taking care to avoid an overlap between the work of the Boards and the Municipal Councils.

50. The composition of the District Boards will not be changed significantly in 1988. The overall ratio of elected to appointed members will remain approximately 2 : 1, but account will be taken of the special circumstances in different districts.

## **Relationship between the Urban Council and District Boards**

**51.** Most submissions to the Survey Office on this subject favoured improving the present relationship between the Urban Council and urban District Boards. Many of these wanted to see more opportunities for District Board members to participate directly in the work of the Urban Council and its Select Committees. Many also wanted to expand the membership of the Council to include an elected representative of each urban District Board. They argued that this would help strengthen the links between the Council and the Boards. This option was supported by a great many District Board members. Members of the Urban Council however opposed it: they favoured the retention of the present system whereby they are ex-officio members of urban District Boards.

**52.** There is no question but that the Urban Council works well under the present arrangements. It provides a high standard of municipal services and plays a key role in the cultural and recreational life of the community.

**53.** The present arrangements do not, however, provide for the District Boards to participate directly in the work of the Council, for which there is firm public support. This could be remedied if the link between the Urban Council and the Boards were to be provided by Board members sitting on the Council, rather than by Council members sitting on the Boards. Such a link would then obviate the need for members of the Urban Council to sit on urban District Boards.

**54.** Looking at the three-tier structure of representative government as a whole, such a development would have the added merit of rationalizing the links between the tiers by having each tier represented at the next higher level, i.e. District Board members sitting on the Urban Council (as they do already on the Regional Council) and both Municipal Councils in turn being represented in the Legislative Council.

**55.** The Government has therefore decided that, when the next Municipal Council elections take place in March 1989, each of the ten District Boards in the urban area should elect a representative to sit on the Urban Council. Urban Councillors will at the same time cease to be ex-officio members of the urban District Boards. The Government also believes it is right to amend the legislation concerning cross-membership between the Urban Council and urban District Boards, to bring it into line with that presently in force in the Regional Council area. Thus, the Government proposes to remove the requirement for a member of the Urban Council to resign from the Council if he is elected to an urban District Board, and vice versa. Some of these proposals were announced in December 1987, before the publication of this White Paper, in order to enable Urban Councillors wishing to continue as District Board members beyond March 1989 to stand for election in the District Board elections on 10 March 1988.

## **Role and Composition of the Municipal Councils**

**56.** There was less public interest in the other issues in the Green Paper affecting the Municipal Councils. Some submissions commented in favour of retaining two separate Councils. There was general support for the present arrangements regarding the composition and work of the Regional Council. Most comments on the committee structure of the Urban Council did not favour change, and there was little support for the idea of sub-regional committees.

**57.** As a result of the changes set out in paragraph 55 above, the size of the Urban Council will be increased from 30 to 40 members in 1989, including 15 appointed and 15 directly elected members as at present and ten new members from the District Boards. It will be for the Council itself to consider whether any changes to its committee structure will be necessary in the light of this.

**58.** There will be no change in 1989 to the role or composition of the Regional Council.

## CHAPTER VI

### THE PRESIDENCY OF THE LEGISLATIVE COUNCIL

59. The Green Paper raised the question of whether the Governor should continue to be the President of the Legislative Council. Nearly 95,000 submissions to the Survey Office, 110 public opinion surveys and two signature campaigns commented on the issue. There was a clear majority in favour of the Governor remaining as President of the Legislative Council, at least for the time being. At the same time, there was some support for the suggestion that the Governor might appoint another person to preside over specific meetings or parts of meetings.

60. In the light of this response there will be no change to the Presidency of the Legislative Council in the immediate future. The Governor will continue to be President. When he cannot attend the Council a Member appointed by him, or the senior Official Member present, will preside in his place.



## CHAPTER VII

### PRACTICAL ASPECTS OF ELECTIONS

61. The Green Paper invited comments on various practical aspects of elections to the District Boards, the Municipal Councils and the Legislative Council, including:

- (a) the sequence and timing of elections;
- (b) the terms of office of elected members;
- (c) the age of entitlement to vote;
- (d) the age of eligibility for candidature;
- (e) the voting systems used in elections; and
- (f) certain other electoral arrangements.

#### Sequence and Timing of Elections and Terms of Office

62. The Green Paper raised the question of whether the sequence of elections should be altered so that elections to the District Boards are followed by elections to the Municipal Councils and then by elections to the Legislative Council. Submissions to the Survey Office were evenly divided on this. Most District Board members who spoke on the issue did, however, advocate such a change, and some public opinion surveys recorded significant support for it.

63. The Green Paper also raised for discussion the possibility of staggering the terms of office of different groups of Legislative Councillors so that, while all terms would be of equal length, they would begin in different years. There was little public response on this point. The balance of it was against such a change.

64. Submissions to the Survey Office and public opinion surveys indicated that a clear majority of the community did not favour changing the length of terms of office for elected members of District Boards, Municipal Councils and the Legislative Council. However most of the members of these bodies who spoke on the subject did wish to change from a three-year to a four-year term.

65. As stated in Chapters IV and V of this White Paper, the District Boards will each elect a representative to one of the Municipal Councils, and the Municipal Councils will each elect a Member to the Legislative Council. This system would clearly work best if elections to the successive tiers of government were to follow in sequence and if the terms of office at all three levels were of equal length.

66. The Government has therefore decided:

- (a) that elections to the District Boards, the Municipal Councils and the Legislative Council should be held in that order;

- (b) that all three sets of elections should be held within the space of twelve months; and
- (c) that the terms of office of different groups of Legislative Councillors should not be staggered.

67. The terms of office of Elected Members of the Legislative Council will continue to be three years for the time being. The latest draft of the Basic Law envisages a four-year term for the legislature of the Hong Kong Special Administrative Region. If the Basic Law does provide for this, the question of introducing such a change before 1997 will then be examined.

68. Some interim adjustments to the terms of office of the District Boards and the Municipal Councils are necessary to prepare for the new sequence of elections. Accordingly, the Municipal Councils' next term will last from April 1989 to March 1991. The term of the District Boards beginning in April 1991 will also be adjusted so that, in the next set of elections to be held after 1991, the District Board elections will take place in August or September, i.e. about six months before elections to the Municipal Councils and one year before those to the Legislative Council.

#### **Ages of Entitlement to Vote and Eligibility for Office**

69. There was much public interest in the issue of the voting age and a clear majority of opinion from all sources considered that it should remain at 21 years. Many people felt that more civic education was needed before people below that age would be ready for the vote. There was little interest in the age of eligibility for candidature. Most of those who commented believed that this too should remain at 21 years.

70. The Government has decided not to change either the voting age or the age of eligibility for office. It has, since the 1984 White Paper, stepped up its encouragement of civic education both in schools and outside. In 1985 it set up a Committee for the Promotion of Civic Education, under the chairmanship of a Legislative Councillor. Community interest in civic affairs is increasing and may be expected to develop further through these efforts.

#### **Voting Systems for Legislative Council Elections**

71. Consideration of alternative voting systems is a complex subject, on which there was a limited public response to the Green Paper. Those who did comment generally favoured the adoption of a 'preferential elimination' voting system for both functional constituency and electoral college elections to the Legislative Council.

72. As explained in the Green Paper, this system has advantages over the 'preferential addition' system used in the 1985 functional constituency elections, because it gives greater priority to higher preferences than to lower ones and does not carry the risk that the candidate with the fewest first preference

votes might nevertheless win the election. It also has an advantage over the repeated ballot system used in the 1985 electoral college elections in that it involves only one round of voting. The 'preferential elimination' system will therefore be adopted in the 1988 Legislative Council elections for both the functional constituencies and the electoral college. Details of the system are at Appendix C.

### **Other Electoral Arrangements**

73. The Green Paper mentioned the Government's intention to increase election deposits and to introduce tighter controls on matters such as name-dropping, the filing of returns for election expenses and the supply to candidates of information about registered voters. Legislation on these points was enacted in December 1987.

74. The Green Paper invited views on the limits on election expenses, in particular that for candidates in Municipal Council elections. Most comment on this was in favour of retaining the present limit of \$35,000 for Municipal Council elections. The Government has decided that all limits on election expenses should be reviewed regularly, both immediately after each set of elections and again six months before the next set of elections, in order to ensure that they keep up with changing circumstances and with inflation. Accordingly, the limits for District Board elections were reviewed recently and those for the next Legislative Council and Municipal Council elections will be reviewed in March 1988 and September 1988 respectively.



## CHAPTER VIII

### THE WAY FORWARD

75. The public response to the 1987 Green Paper showed that there is a strong desire among the community for the system of representative government to be developed further. The forms of representation developed over the years have proved to be effective and to have firm popular support. The three-tier structure of government received strong endorsement in the 1987 review and there is a clear wish among the people of Hong Kong to retain and strengthen this system. At the same time there is substantial support for the view that future development should take the form of a prudent and gradual evolution, to ensure stability between now and 1997 and a smooth transfer of government in 1997.

76. The decisions announced in this White Paper reflect all these considerations, and take full account of all the views expressed during the course of the review. A continuing, steady evolution of Hong Kong's system of representative government is clearly in the best interests of the community, both to meet the developing needs of our society and to maintain confidence in our future. Such a process has broad support within the community.

77. The White Paper charts the course of further development of representative government between now and 1991. Continuing development will be necessary between 1991 and 1997 to ensure that the system evolves steadily to provide continuity and a smooth transition in 1997. The framework of government after 1997 will be incorporated in the Basic Law which is due to be promulgated in 1990. Decisions will therefore need to be taken during the period up to 1997 to enable Hong Kong's system of government to evolve in a way that is compatible both with the aspirations of the Hong Kong community and with the framework set out in the Basic Law. These decisions will require further public consultation, though not necessarily in the form of a review such as that just concluded.

78. The system of government in Hong Kong is unique, and has developed in the way that it has because of the unique circumstances of the territory. The system of government for the future Hong Kong Special Administrative Region, which was set out in broad outline in the Sino-British Joint Declaration and which will be elaborated in more detail in the Basic Law, will also have its own special features. Both before and after 1997 Hong Kong will continue to require a structure of government tailored to its own special circumstances. The aim of the Government in the period up to 1997 is that Hong Kong's system of representative government should be able to evolve gradually and progressively from the present system, in a manner that commands the full confidence of the people of Hong Kong, ensures that government remains both responsive and effective and provides for a smooth transfer of government in 1997 and a high degree of continuity thereafter.



## APPENDICES

- APPENDIX A The Terms of Reference of the Survey Office and the Monitors
- APPENDIX B Expanded Functional Constituencies to be set up in 1988
- APPENDIX C The Preferential Elimination System of Voting

## APPENDIX A

### The Terms of Reference of the Survey Office and the Monitors

#### The Survey Office

- (a) to invite as wide a public response as possible to the issues discussed in the Green Paper 'The 1987 Review of Developments in Representative Government', and to receive and record all views expressed in writing by 30 September 1987, including those submitted directly to it or indirectly through established consultative channels; and
- (b) to submit to the Governor in Council, not later than 31 October 1987, an impartial and accurate report collating and presenting all such views in accordance with the following directions:
  - (1) *Elicitation of public response*: the Survey Office shall invite groups, associations, statutory and non-statutory bodies and individuals to consider the issues discussed in the Green Paper and to forward their views in writing to the Survey Office; and take appropriate steps to encourage as wide a response as possible.
  - (2) *Public opinion surveys*: the Survey Office may commission public opinion surveys: it shall take note of other surveys and comment on them.
  - (3) *Confidentiality*: documents in respect of which confidentiality has been requested by the contributor shall be treated accordingly and shall be destroyed as soon as practicable after the publication of the White Paper.
  - (4) *Media reports*: the Survey Office shall monitor views as reported in the media, to the extent that these complement, and do not repeat, submissions already received by the Office.
  - (5) *Signature campaigns and similar documents*: the Survey Office shall comment upon the source and method of compilation of such documents, drawing attention to any duplication or repetition.
  - (6) *The Report* shall, inter alia, include factual summaries of opinion expressed in the following categories:
    - (i) debates, minutes and submissions in the District Boards, the Urban Council, the Regional Council and the Legislative Council;
    - (ii) the written submissions of other statutory and non-statutory bodies, with their membership, functions and objectives and the procedures followed in formulating their submissions noted;
    - (iii) the written submissions of groups and associations, with their membership, functions and objectives and the procedures followed in formulating their submissions noted;
    - (iv) the written submissions of individuals who do not request confidentiality; and
    - (v) the written submissions of individuals who do request confidentiality.

#### The Monitors

The Monitors are required to observe all aspects of the work of the Survey Office and to submit their independent report to the Governor as to whether they are satisfied that the Survey Office has properly, accurately and impartially carried out its duties and followed the procedures prescribed in its terms of reference.

## APPENDIX B

### Expanded Functional Constituencies to be set up in 1988 (Note 1)

<i>Constituency</i>	<i>Electoral Division</i>	<i>Electors</i>	<i>No. of Elected Members</i>
Finance and Accountancy (Note 2)	Finance electoral division	Members of the Hong Kong Association of Banks entitled to vote at general meetings of the Association	1
	Accountancy electoral division	Accountants registered by the Hong Kong Society of Accountants under the Professional Accountants Ordinance	1
Medical and Health Care (Note 3)	Medical electoral division	Medical and dental practitioners registered or deemed to be registered under either the Medical Registration Ordinance or the Dentists Registration Ordinance	1
	Health Care electoral division	Nurses registered or enrolled under the Nurses Registration Ordinance	1
		Midwives registered under the Midwives Registration Ordinance	
		Pharmacists registered under the Pharmacy and Poisons Ordinance	
		Physiotherapists, occupational therapists, medical laboratory technologists, radiographers and optometrists registered under the Supplementary Medical Professions Ordinance	

#### Notes

1. The present nine functional constituencies are: Commercial; Industrial; Financial; Labour; Social Services; Medical; Teaching; Legal; and Engineering, Architectural, Surveying and Planning. The Financial and the Medical functional constituencies will be expanded in 1988. The other functional constituencies will remain unchanged.
2. Expansion of the existing Financial functional constituency.
3. Expansion of the existing Medical functional constituency.

## APPENDIX C

### The Preferential Elimination System of Voting

The following examples illustrate how the preferential elimination system would work in a hypothetical constituency of 500 electors and with four candidates contesting one seat. All electors are advised to rank the four candidates in order of preference.

#### Example A

1. In the first round of vote counting, only the first preference votes are counted. The results are as follows:

	Candidate				Total valid votes
	A	B	C	D	
1st preference votes	115	40	255	90	500
Percentage of total valid votes	(23)	(8)	(51)	(18)	(100)

2. Candidate C, having received an absolute majority (over 50%) of the total number of valid votes, is elected outright.

#### Example B

1. It is assumed that the results of the first round of vote counting are as follows:

	Candidate				Total valid votes
	A	B	C	D	
1st preference votes	90	180	120	110	500
Percentage of total valid votes	(18)	(36)	(24)	(22)	(100)

2. No candidate has an absolute majority. Candidate A, who has obtained the fewest votes, is eliminated.

3. The 90 ballot papers which show Candidate A as the first preference are then transferred to the remaining candidates according to the second preferences shown on them. If any of these ballot papers shows no second preference, it is set aside as an exhausted ballot paper and is excluded from any subsequent calculation of the total number of valid votes. It is assumed that the second preferences shown on these 90 ballot papers are as follows:

<i>Candidate of second preference</i>	<i>Number of Votes</i>
B	39
C	28
D	19
Nil	4 — exhausted
	<hr/> 90 <hr/>



4. A second round of vote counting is then conducted, with the following results:

	Candidate			Total valid votes
	B	C	D	
Own 1st preference votes	180	120	110	410
2nd preference votes transferred from Candidate A	39	28	19	86
Total votes obtained	219	148	129	496
Percentage of total valid votes	(44.2)	(29.8)	(26.0)	(100.0)

5. Again no candidate has an absolute majority. Candidate D, who has obtained the fewest votes up to this stage, is eliminated.

6. The 110 ballot papers which show Candidate D as the first preference are then transferred to Candidates B and C according to the second preferences marked on them. If any of these ballot papers shows Candidate A as the second preference, it is set aside as an exhausted vote, since Candidate A has already been eliminated after the first round. It is assumed that the second preferences shown on these 110 ballot papers are as follows:

<i>Candidate of second preference</i>	<i>Number of Votes</i>
B	59
C	18
A	30 — exhausted
Nil	3 — exhausted
	<hr/> 110 <hr/>

7. In addition, the 19 ballot papers which show Candidate D as the second preference, and which were originally transferred to him from Candidate A, are also transferred to Candidate B and C according to the third preferences shown on them. It is assumed that the third preferences shown on these 19 ballot papers are as follows:

<i>Candidate of third preference</i>	<i>Number of Votes</i>
B	10
C	9
	<hr/> 19 <hr/>

8. A third round of vote counting is then conducted, with the following results:

	Candidate		Total valid votes
	B	C	
Own 1st preference votes	180	120	300
2nd preference votes transferred from Candidate A	39	28	67
Votes transferred from Candidate D:			
(a) 2nd preference	59	18	77
(b) 3rd preference	10	9	19
Total votes obtained	288	175	463
Percentage of total valid votes	(62.2)	(37.8)	(100.0)

9. Candidate B has now obtained an absolute majority of the total number of valid votes and is declared elected.

#### Example C

1. In this example, it is assumed that the results of the first round of vote counting are as follows:

	Candidate				Total valid votes
	A	B	C	D	
1st preference votes	100	100	180	120	500
Percentage of total valid votes	(20)	(20)	(36)	(24)	(100)

2. No candidate has an absolute majority. Candidates A and B have obtained an equal number of votes which is also the lowest number. It is necessary to decide which of them should be eliminated. For this purpose, a separate count is made of the 100 ballot papers which show Candidate A as the first preference, and the number of these which show Candidate B as the second preference is added to Candidate B's first preference votes. Similarly, the 100 ballot papers which show Candidate B as the first preference are counted, and the number of these which show Candidate A as the second preference is added to Candidate A's first preference votes. The two sums are then compared and the candidate with the smaller sum is eliminated. Assuming that the results of the separate count are as follows:

	<i>Candidate A</i>	<i>Candidate B</i>
Own 1st preference votes	100	100
2nd preference votes included in Candidate A's 1st preference votes	N.A.	30
2nd preference votes included in Candidate B's 1st preference votes	24	N.A.
Total	<u>124</u>	<u>130</u>

then Candidate A is eliminated.

3. The same procedure as illustrated in paragraphs 3 to 9 under Example B is then followed.



