

The Indian Resources Group

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

Dear Sir/Madam,

I am pleased to submit below the views of the Indian Resources Group (IRG) in relation to the Government's invitation to the public to submit views on how methods for selecting the Chief Executive (CE) and formation of the Legislative Council (Legco) can be amended in 2007 & 2008 respectively.

Background

We would like to note for the record that the IRG supports universal suffrage as a means for selecting the CE & Legco in 2007 & 2008. However, we understand that for the purposes of this submission we are constrained by the NPCSC decision as highlighted in 1.08 (1) & 1.08 (2) of the Third Report.

It is our view that the current system of government in Hong Kong is not working effectively. Given the fact that the ultimate aim of the Basic Law is universal suffrage, we believe that serious thought needs to be given to how universal suffrage will work within an executive led governmental structure. In addition, the Basic Law also states that the powers of appointment by the central authorities are substantial when appointing the CE. How can this be balanced against the constitutional right of Hong Kong people to ultimately elect the CE into power?

In regards to the pursuit of universal suffrage, we believe that this is the only method by which the community can compete and strive towards choosing the best possible candidate to run Hong Kong. The current system whereby the CE is not truly accountable to Hong Kong people results in poor management of government resources and poor decision making. The system needs to be changed to be more representative, more competitive and more accountable.

Methods for Selecting the CE

In light of the decision by the NPCSC, the IRG believes that the following amendments should be made in regards to selecting the next CE in 2007.

- 1) Expand the representative nature of the Election Committee (EC). The EC is effectively made up of individuals & bodies who have the right to vote in the Functional Constituencies (FC). All elected District Board (DB) members should be eligible to sit on the EC. However, should these District Councilor (DC) powers be changed, the public should be made fully aware of the power of DB members at the next district council elections.

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- 2) By making the voter base of the ECs/FC's wider, the selection method for the CE will be more open, transparent and competitive.
- 3) The number of EC members should be expanded to accommodate DCs. However, whether the final number of EC members is 800, 1000 or 2000 is not as materials as ensuring the EC members are returned by a competitive system of voting within their respective sub-sector.
- 4) In regards to the number of members of the EC required for nominating candidates for the office of CE, we believe that the number can be established as a percentage of the size of the EC. We believe that securing support of 10% of the EC should be sufficient.
- 5) We believe that the current formation of EC members within the 4 sub-sectors described in Chapter 2 can probably remain the same. However, as with our recommendations in regards to functional constituencies below, we believe that the size of the electorate within each sub-sector should be expanded.

The Method for Forming the Legislative Council

- 1) We believe that the size of Legco should be expanded to encourage greater community participation in politics. This will help to breed a larger number of quality politicians in the longer term.
- 2) We also believe that expanding the size of Legco, should be complimented by providing Legco members with sufficient resources in order for more individuals to become full time legislators. Full time Legco members will better serve Hong Kong. Consideration can perhaps be given to requiring all Legco members to be full time legislators. This will ensure that those who run for Legco are truly committed to their work as legislators.
- 3) In light of the NPCSC's decision regarding the split between the Geographical Constituencies and Functional Constituencies, the number of FC's will also have to increase.
- 4) We would like to see a Functional Constituency for ethnic minorities established as an interim measure until such time that the full Legco is elected by universal suffrage. Given the size & nature of some existing FC's, we believe that HK, with a sizeable minority community, deserves a minority representative within the current political structure.
- 5) The method for forming the electorate of the FC's (and thus the EC) should be made more representative. For example, why should a company have to be a member of an "approved" organization in order to have an FC vote? Should a company be legally registered in HK and have audited accounts for a period of time (say 3 years) that company should be able to vote within the FC that is relevant to their business.

Other thoughts in regards to making FC's more representative:

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- a) Provide votes in the insurance sector to registered brokers and not just insurance companies.
- b) The Social Welfare constituency can be opened to representatives of all registered charities in Hong Kong that have been operational for at least 3 years.
- c) Commercial & Industrial FC's should amended to ensure all companies in HK within the respective industries have a vote.
- d) Financial Services. All registered Financial Advisors should have the right to vote, why restrict voting to members of selected organizations.

The principle behind our thoughts can be clearly established above and we believe maintains the spirit of the FC's whilst this animal must continue to exist.

- 6) Given the system of FC's in Hong Kong and the significant role of international companies in investing and employing individuals in Hong Kong, we believe FC voting should be open to all registered HK companies and not only "local" companies, however, this term might be described.
- 7) The above comments in regards to the formation of the electorate for FC's can and should be similarly applied towards the EC.
- 8) Significantly, we believe that the proportional representation system used within the geographical constituencies should be dropped. The list system in place is extremely complicated and ultimately results in voters selecting groups of candidates and not necessarily one single candidate. We believe that electors make decisions on who to vote for based on the track record of individual politicians and therefore electors should be able to vote for individuals within a simple and easy to understand voting structure.

Conclusion

The NPCSC decision earlier this year has left HK with some room to move in order to ensure a more representative system of Government in 2007 & 2008. Changes to the electoral system for the CE & Legco must be made in order to improve HK society. Failing to make any changes will simply ensure that a system of Government that on the surface calls itself accountable to the people will continue to be accountable to special interest groups that have their own political agenda. Disastrous government decisions such as Cyberport, the failure to prosecute Sally Aw, unnecessary tax or funding incentives or even gross over expenditure at the Disney theme park might happen again, but a government in power must be accountable when making such decisions and should suffer political consequences should those decisions be unpopular.

A more representative system for electing the CE will ensure that the community has a structured outlet (elections for the CE) by which to express grievances with the quality of governance. Public dissatisfaction with the HK Government in recent years has resulted in regular protests as the only substantial outlet for expressing disapproval with the CE or Government has a whole. A free, fair,

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transparent, inclusive and competitive electoral system for the CE can help to ensure that large scale protests are either lessened or eliminated all together.

The proposed amendments above we believe keep to the spirit of the Basic Law and the decision of the NPCSC. We also believe that our recommendations will increase public interest in politics, thereby ensuring that HK has an ever increasing pool of quality politicians.

The Basic Law at present only provides Legco with "negative" powers or the power to block decisions rather the initiate policy. This system unfortunately creates an environment of negativity within Legco, with members being seen as only criticizing but not offering constructive suggestions on how to move forward. By giving more legislators the resources to operate full time, politicians will become increasingly accountable to their electorate.

We close by emphasizing our belief that ethnic minorities should be offered at least 1 seat within the Legislative Council. There are many minority groups that have lived in Hong Kong for generations and offering them the opportunity of direct representation within our legislature can only be beneficial for HK society in the long term.

Submission prepared by Ravi Gidumal
Indian Resources Group
Hong Kong
September 2004.

(Signed)