

23 June 2004

Mr Donald Tsang
Chairman
Task Force on Constitutional Development
3/F, Main Wing
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Hong Kong

Dear Sir,

I should like to offer some views on constitutional development in my capacity as a private citizen.

Some brief thoughts on number of LegCo seats, Functional Constituencies and the Election Committee, are at *Annex*.

The main point I wanted to make is that we should seriously consider adopting a system of Proportional Representation (PR).

This would have the advantage that all shades of opinion would be represented by the directly elected seats. We would have a system whereby we could say hand on heart "Every Vote Counts" and "Every Vote Counts Equally". It would go some way to overcome the manifest disadvantage of the present system that a party could attract many thousands of votes SAR-wide but in the worst case still fail to come up with a single seat. In more likely – but still hard to justify – scenarios, parties could gain a disproportionately large or small share of seats compared to the number of votes secured.

We could go for a pure PR option, or we could look at a hybrid which retained the best aspects of the "First Past The Post" system. A possible structure is as follows:

- (a) Divide the whole SAR into 18 natural geographic constituencies, one per District.

- (b) Require all political parties to list in order of priority their candidates for (up to) 30 seats (or however many are being directly elected).
- (c) Permit each party to nominate one candidate (only) in each of the geographic constituencies.
- (d) Conduct the election in the usual way to determine the (single) winner in each constituency on a "first past the post" basis.
- (e) Also add up the votes cast for each party on an SAR-wide basis. Calculate a "votes per seat" number and deduct from each party's total that specified number for each of their "first past the post" winners.
- (f) Award each party an additional number of seats corresponding to the number of votes left in their "account". These seats should be taken up by those highest on the party list not returned in their constituency (if applicable).

Independents and "single candidate" parties can be ranked in order of votes cast.

Clearly there are some practical aspects to assess (e.g. what to do with "votes left over" etc) and various refinements are possible (e.g. setting a minimum threshold) but none of the problems are new or insurmountable.

Submitted for your consideration.

Yours sincerely,

(Signed)

(M J T Rowse)

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No. of LegCo Seats. I think it would be reasonable to have a modest increase in the total number of seats in LegCo. A suitable number might be 70, representing one per 100,000 of population. Care would need to be taken not to present this as a "boost to democracy" which clearly it is not. But it is an improved degree of representation.

Functional Constituencies. Since FCs will remain for the foreseeable future, we need to give some thought as to how to improve the present arrangements. Two possible ways suggest themselves (not necessarily mutually exclusive):

- (a) give the vote to individuals rather than institutions. For example, a registered charity has only one vote. Could the vote be given instead to all its Trustees, or all Executive Committee, or even all its employees?
- (b) some sort of link to taxpayers within the sector concerned. Since there is a professed fear that democracy leads to election of free lunch politicians who ignore taxpayers' interests, why not make the functional constituencies a bulwark against this threat.

Election Committee. Expansion beyond 800 has been mooted and is probably worth doing. Even more important would be to improve the representativeness of those elected in ways similar to those proposed above for FCs.