

Speech by Sir David Akers-Jones GBM KBE CMG on 17 June 2014

Antony Beevor writing of the years and months leading to Second World War wrote that liberal democracy in the countries of Europe had been rendered ineffective by voting in their governments by proportional representation. This had led to the point where there were no strong united governments to withstand the awesome power of Germany.

The situation is similar to our Legislative Council which has split into fragments because of the List system of representation which produces no strong united membership and no strong leadership and has led to a situation of party squabbling and disagreement.

How did this come about? In 1989 when the drafting of the Basic Law was in its final stages, the political system we were to adopt had been left till last. It was 1989, public sentiment in Hong Kong was in a troubled state.

Sir S Y Chung tells the story in his memoirs. In effect he says that British-style parliamentary elections were not suitable for Hong Kong. The months following June 4th would have produced a result reflecting the public mood which was of deep and almost universal dissatisfaction with events in Beijing. The end result of these considerations was the choice of a system of direct election by lists of candidates in five large constituencies. This is the system we have today.

These last few months have been filled with argument about the election of our chief executive by universal suffrage in 2017. It is not only this issue but others of discontent, have been added.

The present mood has affected the working of the Legislative Council and it would have been useful to spend some effort to evaluate to what extent these circumstances are attributable to the election system. No one can pretend that the Legco is a happy place, giving support to the Chief Executive which he needs to implement policies which would make so much difference to social order.

Election of the next Legislative Council will take place in 2016, meanwhile all eyes have been turned to the election of the Chief Executive in 2017 but if we don't change the electoral system in 2016, the new horse CE, elected in 2017, will be harnessed to the broken cart of Legco. Unless we do something to mend the broken cart nothing will change.

Worse than that remember that the new Legco of 2016 will be the Legco of 2017 at the time of the CE election and, it will also be the Legco of 2020 when people are expecting that some form of universal suffrage will apply to the whole Territory. Do we want these two years between now and 2017 to continue as they are today and onwards to 2020, or are we willing to make some change in 2016. I would argue that there are compelling reasons to vote for change, to make a significant change to the electoral system in 2016 and with the support of a two-third majority of Legco to build a Legco which is closer to reality and which is achievable, not fundamental modification, evolution not revolution, possible not impossible, acceptable not unacceptable. In other words to reach agreement and accept that not all the worse features of the system can be extinguished. It will require a degree of compromise.

A research paper recently published by the Massachusetts Institute of Technology, spoke about the tyranny of minorities, whereby small groups of people are able to pursue ideas or policies which disrupt governance to an inordinate degree, they punch above their weight. Are we not experiencing something of this at the present time. The minority voices of dissent and disagreement must be heard, but in the end compromise and reason, must prevail. It is with these thoughts in mind that I approach the question of change in 2016. "Change" as Dr Johnson said, "is not made without inconvenience even from worse to better."

What should we do to change? The List system of elections used for the constituency elections for the Legislative Council should be kept but be modified to accord with the introduction of different constituencies.

In the years since the List system was introduced a million people or so have been added to the SAR population, it is now nearly 8 million, new towns have been built and they, and their residents, have grown into metropolitan areas each with its own identity. This can be easily understood, Tseung Kwan O is different from Shatin, South Island from North Island and so on. During this time, too, these metropolitan areas have been joined together by arterial highways and railways. In the existing List system a handful of people claim to represent a large constituency of about a million or more people but they have no direct connection with the people they claim to represent. I propose to modify the constituency boundaries making about 15 or so constituencies of about half a million. The exact delineation I will leave to the Boundary Commission: the principle is there. Indeed the Government is already, to some extent thinking along these lines, by recognising that Yuen Long in the North West New Territories is different from Tuen Mun. Modification would give the citizens of these new metropolitan constituencies a sense of belonging and pride in their city. The people will know who represents

them and their concerns, whether they be broad policy issues such as education, or smaller issues such as the provision of school places, or broad issues of environmental pollution and local issues of waste dumps. While introducing these new constituencies each would have fewer representatives than the existing large constituencies but there would be more constituencies and they would continue to be elected by the List system as at present. For example the Tuen Mun constituency of half a million would have two representatives and Yuen Long would also have two. Some have suggested amalgamating with the District Councils. These Councils are large and fulfill a different function. We should not confuse them with Legislative Council. But some realignment of electoral boundaries with the new Metropolitan districts and the Government administrative districts would be desirable. Here again some inconvenience may be incurred but these questions are not insurmountable.

It is expected that introduction of these metropolitan constituencies will be opposed by those elected by the present large constituency List system, their lives will be changed but, if a sufficient body of opinion comes forward and says "we are fed up with our present arrangements, these ideas make more sense than the present shambles."

Turning now to the election in 2017, we must wait now for the Chief Secretary to report the findings of the consultation on the CE elections.

On the questions of the party membership of the Chief Executive there are those who say it will solve everything if the Chief Executive had membership of a political party. First of all we do not have a law governing the establishment of political parties, what we have are "political companies." There is a long way to go before we could reach a situation before the CE could be a member of and lead a political Party. Moreover, how does such a proposal conform to the Basic Law and our situation as an SAR, and one country two systems. Our Chief Executive has his Ministers, he has his Civil Service I see no point in playing about with the idea of his membership of a political party, such an idea is merely an expression of a dream to do something and a symptom of the lack of other ideas! It is an impractical and diversionary suggestion. We should forget it.

The functional constituencies (FCs) make up the other half of Legislative Council. The FC members are an important component of the Legislative Council. They are indirectly but positively referred to in the Basic Law in various places, and lay emphasis on Hong Kong to retain sectoral representation. The FCs represent the strata of society, both horizontally and vertically. On the one hand they are a mirror of the community and, on the other as captains of commerce, leaders of industry, doctors, architects, engineers and so forth, they bring their

expertise and knowledge directly into the heart of our political system. We are defensive about them because they do not conforming with the common concepts of democracy. But democracy where? Italy , Thailand , France , Ireland , the USA . Democracy comes in all shapes and sizes.

To conclude, we have a firm indication that sectoral representation should form part of our Legislative Council now and in the future, if we can recognise that and stop dreaming of abolishing the FCs then our task will be simpler. We have then to ensure in some way or another, that the FCs, when they speak in the Legislative Council, speak not for some ideal world divorced from reality, but speak for the good of the community enlightened by their professional knowledge.

The FCs need not be swept away in 2020 provided that they are reformed and continued as a robust part of our HK system. We are a special place, as such we should do things in a special way, not plagiarise or copy defective paradigms from around the globe. Be proud of our differences.

What could we do? We could change the membership of some FCs so that the members themselves vote personally for their representatives and not by proxy, that the members of some constituencies should broaden their membership qualifications, that people who are left out should be brought in. We should open the voting system so that at the end of the voting day every citizen of Hong Kong had exercised two votes one in the FC system and one in the constituency election for his new constituency. For those that have no specific Functional Constituency the 'super seats' take up the place.

To sum up, it is recommended that elections in 2016 be modified in order to bring about a greater sense of personal responsibility and representativeness to individual Legislators by creating 15 or so new metropolitan constituencies which retaining the list electoral system of election.

The idea of the CE belonging to a political party is impractical and should be abandoned.

The FCs, should be improved and broadened so that all the electorate have two votes.