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FM HONG KONG 140531Z MAR 84

TO IMMEDIATE FCO

TELEGRAM NUMBER 682 OF 14 MARCH

INFO IMMEDIATE PEKING

MIPT FUTURE OF HONG KONG: CONSTITUTIONAL DEVELOPMENT

FOLLOWING IS DRAFT OF EXECUTIVE COUNCIL MEMORANDUM.

BEGINS: CONSTITUTIONAL DEVELOPMENT AND THE STRUCTURE OF GOVERNMENT

INTRODUCTION

1. ON 5 JANUARY 1984, MEMBERS CONSIDERED (IN THE PART II MEETING) MEMORANDUM XCX(84)2 ON THE FUTURE: CONSTITUTIONAL DEVELOPMENT AND THE STRUCTURE OF GOVERNMENT, IN WHICH SOME OPTIONS FOR POSSIBLE REFORMS TO THE CONSTITUTIONAL AND GOVERNMENTAL STRUCTURE OF HONG KONG WERE SET OUT AS A BASIS FOR A DISCUSSION ON THE DEVELOPMENT OF A MORE REPRESENTATIVE SYSTEM OF GOVERNMENT IN HONG KONG BETWEEN NOW AND 1997. TWO POSSIBLE APPROACHES WERE DISCUSSED IN THAT MEMORANDUM, NAMELY:

(A) TO DEVELOP A SYSTEM BASED ON INDIRECT ELECTIONS: OR

(B) TO MOVE MORE QUICKLY TO DIRECT ELECTIONS:

FOR CENTRAL GOVERNMENT INSTITUTIONS. MEMBERS ADVISED THAT THE BEST COURSE WOULD BE TO PURSUE A STRATEGY OF PROGRESSIVE DEVELOPMENT, BUILDING ON EXISTING INSTITUTIONS.

2. ALSO ON 5 JANUARY 1984, MEMBERS CONSIDERED (IN THE PART I MEETING) MEMORANDUM XCS(84)4 ON THE REVIEW OF LOCAL ADMINISTRATION, IN WHICH IT WAS PROPOSED, (NEXT TWO WORDS UNDERLINED) INTER ALIA, THAT A SEPARATE REGIONAL COUNCIL SHOULD BE ESTABLISHED FOR THOSE AREAS NOT PRESENTLY UNDER THE AEGIS OF THE URBAN COUNCIL, AND THE ELECTED ELEMENT IN THE DISTRICT BOARDS SHOULD BE STRENGTHENED, SO THAT THE PROPORTION OF ELECTED TO APPOINTED MEMBERS ON DISTRICT BOARDS WOULD IN FUTURE BE 2:1, (THAT IS, TWO-THIRDS OF DISTRICT BOARD MEMBERS AND HALF OF THE MEMBERS OF THE URBAN COUNCIL AND THE SECOND REGIONAL COUNCIL WOULD IN FUTURE BE ELECTED BY UNIVERSAL ADULT SUFFRAGE. THE COUNCIL ADVISED AND THE GOVERNOR ORDERED THAT THE PROPOSALS AND SUGGESTIONS SUMMARISED IN PARAGRAPH 21 OF THE MEMORANDUM SHOULD FORM THE BASIS OF SPECIFIC RECOMMENDATIONS (INCLUDING THE NECESSARY DRAFT LEGISLATION) IN DUE COURSE.

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3. ON 14 FEBRUARY 1984, MEMBERS CONSIDERED MEMORANDUM XCS(84)7, ALSO ON THE REVIEW OF LOCAL ADMINISTRATION, IN WHICH THEY WERE INFORMED OF THE STEPS IT WAS PROPOSED TO TAKE IN PURSUANCE OF THE PROPOSALS REFERRED TO IN PARAGRAPH 2 ABOVE: AND THEY CONSIDERED A DRAFT STATEMENT ON THE SUBJECT TO BE MADE BY THE CHIEF SECRETARY IN THE LEGISLATIVE COUNCIL ON 15 FEBRUARY 1984. THE COUNCIL ADVISED AND THE GOVERNOR ORDERED THAT THE STATEMENT BE MADE SUBJECT TO CERTAIN ADDITIONS AND AMENDMENTS. A COPY OF THE FINAL VERSION OF THE STATEMENT IS ANNEXED.

## PURPOSE

4. THE PURPOSE OF THIS MEMORANDUM IS TO PUT FORWARD PROPOSALS, FOR MEMBERS' CONSIDERATION, ON THE NEXT STEPS WHICH SHOULD BE TAKEN TO DEVELOP THE CONSTITUTIONAL AND GOVERNMENTAL STRUCTURE OF HONG KONG, FOLLOWING THE IMPLEMENTATION OF THE PROPOSALS FOR THE FURTHER DEVELOPMENT OF LOCAL ADMINISTRATION DURING THE PERIOD BEFORE 1997.

5. THE AIM IS TO HAVE FIRMLY ESTABLISHED BY 1997 A STRUCTURE OF GOVERNMENT WHICH HAS THE SOURCE OF POLITICAL POWER ROOTED FIRMLY IN THE HONG KONG COMMUNITY: TO THIS END THE STRUCTURE SHOULD BE IN PLACE BY THE EARLY 1990S. IT WILL THEREFORE BE NECESSARY FOR AN EARLY START TO BE MADE ON THE DEVELOPMENT OF A MORE REPRESENTATIVE SYSTEM OF GOVERNMENT, AND FOR THE PROCESS OF DEVELOPMENT TO BE COMPLETED BY STAGES WITHIN THE NEXT 10 YEARS.

6. (SQUARE BRACKETS BEGIN) THIS PARAGRAPH WILL ASSESS THE POLITICAL CONSEQUENCES, AND THE IMPLICATIONS FOR THE FUTURE GOVERNMENT OF HONG KONG, WHICH THE CONSTITUTIONAL AND STRUCTURAL CHANGES PROPOSED IN THE MEMORANDUM WOULD HAVE (SQUARE BRACKETS END).

7. THE PROPOSALS IN THIS MEMORANDUM ARE FOR -

(A) THE PROGRESSIVE REPLACEMENT OF THE APPOINTED UNOFFICIAL MEMBERS OF THE LEGISLATIVE COUNCIL BY MEMBERS ELECTED INDIRECTLY

(I) BY AN ELECTORAL COLLEGE OF REGIONAL COUNCIL AND DISTRICT BOARD MEMBERS: AND

(II) BY FUNCTIONAL GROUPS, TOGETHER WITH A GRADUAL REDUCTION IN THE NUMBER OF OFFICIAL MEMBERS OF THE LEGISLATIVE COUNCIL:

(B) THE REPLACEMENT OF THE GOVERNOR AS PRESIDENT OF THE LEGISLATIVE COUNCIL BY A SPEAKER ELECTED BY THE UNOFFICIAL MEMBERS OF THE LEGISLATIVE COUNCIL FROM AMONG THEIR NUMBER:

(C) THE PROGRESSIVE REPLACEMENT OF THE MAJORITY OF THE APPOINTED UNOFFICIAL MEMBERS OF THE EXECUTIVE COUNCIL BY MEMBERS ELECTED BY THE UNOFFICIALS MEMBERS OF THE LEGISLATIVE COUNCIL FROM AMONG THEIR NUMBER: AND

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(D) AT A LATER STAGE, APPOINTMENT TO THE POST OF GOVERNOR TO FOLLOW A PROCESS OF CONSULTATION IN HONG KONG, CONFIRMED BY SOME FORM OF ELECTION FROM AN ELECTORAL COLLEGE.

DISTRICT BOARDS AND REGIONAL COUNCILS

8. AS POINTED OUT IN PARAGRAPHS 2 AND 3 ABOVE, PROPOSALS HAVE RECENTLY BEEN MADE FOR THE FURTHER DEVELOPMENT OF THE PRESENT SYSTEM OF LOCAL ADMINISTRATION IN HONG KONG, INCLUDING -

(A) A CHANGE IN THE COMPOSITION OF DISTRICT BOARDS INVOLVING AN INCREASE IN THE NUMBER OF ELECTED MEMBERS WITH EFFECT FROM 1 APRIL 1985; AND

(B) THE ESTABLISHMENT OF A SECOND REGIONAL COUNCIL, INITIALLY WITH AN ENTIRELY APPOINTED MEMBERSHIP, BUT WITH A MEMBERSHIP HALF APPOINTED AND HALF ELECTED WITH EFFECT FROM 1 APRIL 1986.

THIS MEMORANDUM DOES NOT MAKE ANY PROPOSALS FOR SUBSEQUENT CHANGES IN THE PATTERN OF LOCAL ADMINISTRATION BETWEEN 1986 AND 1997. THERE WILL, HOWEVER, UNDOUBTEDLY BE CHANGES, POSSIBLY INVOLVING A MOVE TOWARDS FULLY ELECTED DISTRICT BOARDS AND REGIONAL COUNCILS. ANY SUCH CHANGES WILL AFFECT THE COMPOSITION OF THE ELECTORAL COLLEGE WHICH WILL ELECT MANY OF THE UNOFFICIAL MEMBERS OF THE LEGISLATIVE COUNCIL (PARAGRAPHS 9 TO 15 BELOW).

LEGISLATIVE COUNCIL

(A) COMPOSITION

9. IT IS (NEXT WORD UNDERLINED) PROPOSED THAT PROGRESSIVELY OVER THE NEXT DECADE THE UNOFFICIALS MEMBERSHIP OF THE LEGISLATIVE COUNCIL SHOULD BE ELECTED -

(A) THROUGH ELECTIONS FROM AN ELECTORAL COLLEGE MADE UP OF THE UNOFFICIAL MEMBERS OF DISTRICT BOARDS AND REGIONAL COUNCILS. THE ELECTORAL COLLEGE WOULD BE ABLE TO ELECT ANYONE WITH CERTAIN PRESCRIBED QUALIFICATIONS (E.G. AGE, MINIMUM LENGTH OF RESIDENCE IN HONG KONG), AND NOT NECESSARILY FROM AMONG THEIR NUMBER. IN THE INITIAL STAGES ALL MEMBERS BOTH ELECTED AND APPOINTED WOULD CONSTITUTE THE COLLEGE. AT A LATER STAGE IT MIGHT BE DESIRABLE TO CONFINE MEMBERSHIP OF THE ELECTORAL COLLEGE TO ELECTED MEMBERS ONLY;

(B) THROUGH ELECTIONS FROM IDENTIFIED FUNCTIONAL GROUPS SUCH AS COMMERCIAL AND INDUSTRIAL ASSOCIATIONS, EDUCATIONAL INSTITUTIONS, THE LEGAL AND MEDICAL PROFESSIONS, LABOUR ORGANISATIONS, TRADITIONAL ORGANISATIONS, ETC.

A WORKING LINK AND A RELATIONSHIP WITH THE ADMINISTRATION WOULD BE RETAINED BY CONTINUING TO APPOINT A NUMBER OF OFFICIALS AS MEMBERS OF THE LEGISLATIVE COUNCIL.

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10. AS REGARDS THE COMPOSITION OF MEMBERSHIP OF THE LEGISLATIVE COUNCIL, IT IS CONSIDERED THAT--

(A) THE EVENTUAL NUMBER ELECTED BY AN ELECTORAL COLLEGE OF DISTRICT BOARD AND REGIONAL COUNCIL MEMBERS SHOULD BE BETWEEN 25 AND 30. THE ELECTORAL COLLEGE ITSELF IS LIKELY TO CONSIST OF BETWEEN 400 AND 500 MEMBERS, REPRESENTING 18 DISTRICTS AND TWO REGIONS. A TRUE REFLECTION OF THE GEOGRAPHICAL AND SECTIONAL INTERESTS OF THE HONG KONG COMMUNITY WHICH THEY REPRESENT WILL REQUIRE AT LEAST 25 MEMBERS:

(B) THE EVENTUAL NUMBER ELECTED BY FUNCTIONAL GROUPS SHOULD BE AT LEAST 10, AND PROBABLY 15, IN ORDER TO ENSURE ADEQUATE REPRESENTATION OF THE MANY IMPORTANT BUSINESS AND PROFESSIONAL INTERESTS WHICH MIGHT NOT CHOOSE TO OBTAIN REPRESENTATION THROUGH THE ELECTORAL COLLEGE: AND

(C) AT LEAST OVER THE NEXT DECADE, 10 OFFICIAL MEMBERS WILL BE NECESSARY TO PROVIDE PROPER COVERAGE IN THE LEGISLATIVE COUNCIL OF THE WHOLE RANGE OF GOVERNMENT RESPONSIBILITIES.

(B) TIMING

11. EVEN THOUGH THE SECOND REGIONAL COUNCIL WILL NOT HAVE AN ELECTED ELEMENT UNTIL 1986, IT WILL BE ESTABLISHED IN 1985, AND A START COULD BE MADE IN THAT YEAR WHEN THE NEXT ROUND OF DISTRICT BOARD ELECTIONS IS DUE. IT WOULD THEN BE POSSIBLE, IF FURTHER ELECTIONS TO THE LEGISLATIVE COUNCIL WERE SUBSEQUENTLY HELD IN 1988 AND 1991 WHEN THERE WILL ALSO BE DISTRICT BOARD ELECTIONS, TO WORK PROGRESSIVELY TOWARDS A LEGISLATIVE COUNCIL BY 1991 CONSISTING OF A TOTAL OF 50 OR 55 MEMBERS, MADE UP OF -

(A) 25 OR 30 MEMBERS ELECTED BY AN ELECTORAL COLLEGE OF DISTRICT BOARD AND REGIONAL COUNCIL MEMBERS:

(B) 10 OR 15 MEMBERS ELECTED BY FUNCTIONAL ASSOCIATIONS:  
AND

(C) 10 OFFICIALS.

12. TWO POSSIBLE SEQUENCES (BASED ON A COUNCIL OF 50 MEMBERS) ARE AS FOLLOWS -

	1983	1984	1985	1988	1991
I. LEGISLATIVE COUNCIL MEMBERS					
(A) ELECTED BY					
(I) ELECTORAL COLLEGE	NIL	NIL	6	15	30
(II) FUNCTIONAL ASSOCIATIONS	NIL	NIL	5	7	10
(B) APPOINTED MEMBERS	29(1)	32(2)	23	15	NIL
(C) OFFICIAL MEMBERS	18	16	13	12	10
TOTAL	47	48	47	49	50

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11. LEGISLATIVE COUNCIL

MEMBERS

(A) ELECTED BY

(1) ELECTORAL COLLEGE NIL      NIL      6      12      25

(II) FUNCTIONAL

ASSOCIATIONS      NIL      NIL      5      10      15

(B) APPOINTED MEMBERS 29(1)      32(2)      23      15      NIL

(C) OFFICIAL MEMBERS 18      16      13      12      10

TOTAL      47      48      47      49      50

NOTE: (1) THESE ARE MEMBERS ELECTED TO THE URBAN COUNCIL OR DISTRICT BOARDS.

(2) SIX WILL BE MEMBERS ELECTED TO THE URBAN COUNCIL OR DISTRICT BOARDS.

13. BOTH SEQUENCES REQUIRE A RAPID REDUCTION IN THE NUMBER OF APPOINTED MEMBERS WHO COULD NOT RELY ON ELECTION EITHER THROUGH THE ELECTORAL COLLEGE OR BY THE FUNCTIONAL ASSOCIATIONS BUT THE SECOND SEQUENCE IN PARAGRAPH 12 ABOVE WOULD GIVE A MORE GRADUAL BUILD-UP OF MEMBERS ELECTED BY THE ELECTORAL COLLEGE.

14. THE PROCESS OF RUNNING DOWN THE NUMBER OF APPOINTED MEMBERS BY 1991 WILL BE SEEN BY SOME PEOPLE AS A RETROGRADE STEP. BUT THERE IS NO EASY ALTERNATIVE WAY OF TRANSFERRING THE SOURCE OF POLITICAL POWER TO THE COMMUNITY IN PREPARATION FOR THE CHANGE IN 1997. IF THE PROPOSALS IN THIS MEMORANDUM FOR ELECTIONS TO THE LEGISLATIVE COUNCIL ARE TO BE PURSUED, IN 1985 NINE APPOINTED MEMBERS WILL HAVE TO MAKE WAY: IN 1988, A FURTHER EIGHT; AND, IN 1991, THE REMAINING FIFTEEN. IN OTHER WORDS, ALL APPOINTED MEMBERS WILL HAVE TO GO IN SEVEN YEARS FROM NOW UNLESS THEY SEEK TO CONTINUE IN SERVICE THROUGH ONE OR OTHER OF THE FORMS OF ELECTION PROPOSED. ANY NEW MEMBERS APPOINTED IN 1984 AND 1985 WILL HAVE THE OPPORTUNITY OF SERVING FOR SEVEN AND SIX YEARS RESPECTIVELY.

15. IF A LONGER TIME SCALE WAS NEEDED, THE FINAL STAGE COULD AWAIT THE 1994 ELECTION. THE FINAL SECTION OF THE SECOND SEQUENCE IN PARAGRAPH 12 ABOVE WOULD THEN BE -

LEGISLATIVE COUNCIL MEMBERS:	1988	1991	1994
(A) ELECTED BY			
(1) ELECTORAL COLLEGE	12	18	25
(II) FUNCTIONAL ASSOCIATIONS	10	12	15
(B) APPOINTED MEMBERS	15	10	NIL
(C) OFFICIAL MEMBERS	12	10	10

TOTAL      49      50      50

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(C) CHOICE OF ELECTION YEARS **SECRET**

16. IT IS (NEXT WORD UNDERLINED) PROPOSED THAT DISTRICT BOARD ELECTION YEARS SHOULD BE CHOSEN FOR ELECTORAL COLLEGE ELECTIONS BECAUSE MOST MEMBERS OF THE ELECTORAL COLLEGE WOULD BE ELECTED DISTRICT BOARD MEMBERS. IF THE TARGET DATE FOR FULL DEVELOPMENT OF THE SYSTEM WAS DEFERRED UNTIL 1992, MAJOR CHANGES IN THE MEMBERSHIP OF THE LEGISLATIVE COUNCIL COULD TAKE PLACE IN REGIONAL COUNCIL ELECTION YEARS, I.E. 1986, 1989, 1992 (WITH A POSSIBLE FINAL STAGE IN 1995). IN BOTH CASES, ELECTIONS COULD TAKE PLACE IN AUGUST OR SEPTEMBER DEPENDING ON WHETHER APPOINTMENTS TO LEGISLATIVE COUNCIL ARE TO RUN FROM 1 SEPTEMBER (AS NOW ) OR 1 OCTOBER.

17. ELECTORAL COLLEGE ELECTIONS IN REGIONAL COUNCIL ELECTION YEARS WOULD BE EXACTLY MID-TERM IN THE DISTRICT BOARD CYCLE AND WOULD START IN 1986 RATHER THAN 1985. THIS WOULD GIVE DISTRICT BOARD MEMBERS MORE TIME TO SETTLE DOWN, BUT WOULD MEAN 18 MONTHS OF POLITICAL UNCERTAINTY EVERY THREE YEARS FOR THOSE MEMBERS OF LEGISLATIVE COUNCIL SEEKING RE-ELECTION, INSTEAD OF SIX MONTHS IF ELECTIONS TAKE PLACE IN DISTRICT BOARD ELECTION YEARS. IT IS CONSIDERED THAT IT WOULD BE BETTER, THEREFORE, TO COMPLETE THE DISTRICT BOARD AND LEGISLATIVE COUNCIL ELECTIONS IN ONE YEAR AND THEN HAVE A PERIOD OF TWO AND A HALF YEARS OF POLITICAL CERTAINTY BEFORE THE NEXT DISTRICT BOARD ELECTIONS.

(D) FUNCTIONAL ASSOCIATION

18. AS REGARDS THE 10 OR 15 MEMBERS ELECTED BY FUNCTIONAL ASSOCIATIONS, FURTHER DETAILED CONSIDERATION WILL NEED TO BE GIVEN TO WHICH INTERESTS SHOULD BE REPRESENTED, TO THE BALANCE OF REPRESENTATION BETWEEN THEM, AND TO THE METHOD OF ELECTION. IT WILL BE DESIRABLE TO HAVE RELATIVELY LARGE FUNCTIONAL GROUPS IN ORDER TO AVOID THE SORT OF ELECTIONEERING MALPRACTICES WHICH ARE MORE PREVALENT IN THE CASE OF CLOSELY CONTESTED ELECTIONS AMONG SMALL GROUPS. A POSSIBLE SPREAD OF REPRESENTATION (FOR ILLUSTRATIVE PURPOSES) WOULD BE -

INDUSTRIALIST ORGANISATIONS	2	3
LABOUR ORGANISATIONS	1	2
FINANCIAL SECTOR	1	2
LEGAL PROFESSION	1	2
ACADEMICS (INCLUDING EDUCATION)	2	2
MEDICAL PROFESSION	1	2
PROFESSIONALS NOT ELSEWHERE INCLUDED	2	2

TOTAL 10 15

THE ELECTORATE OF EACH OF THE ABOVE CONSTITUENCIES WOULD BE RELATIVELY LARGE, CONSISTING OF SEVERAL HUNDRED MEMBERS.

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### (E) PRESIDENT OF THE LEGISLATIVE COUNCIL

19. THE PRESIDENT OF LEGISLATIVE COUNCIL IS NOW THE GOVERNOR BUT IT IS (NEXT WORD UNDERLINED) PROPOSED THAT HE SHOULD BE REPLACED BY A SPEAKER ELECTED BY LEGISLATIVE COUNCIL MEMBERS FROM AMONG THEMSELVES. THIS NOT ONLY FOLLOWS THE PATTERN OF CONSTITUTIONAL DEVELOPMENT IN OTHER FORMER BRITISH DEPENDENT TERRITORIES BUT ALSO EMPHASISES THE INDEPENDENCE OF THE LEGISLATIVE COUNCIL FROM THE EXECUTIVE. IN ORDER TO PROMOTE CONTINUITY, IT IS SUGGESTED THAT A SPEAKER BE INTRODUCED SOONER RATHER THAN LATER. EVENTUALLY THE SPEAKER SHOULD BE ELECTED IN A LEGISLATIVE COUNCIL ELECTION YEAR IMMEDIATELY AFTER ELECTIONS, BUT SINCE 1985 WILL SEE OTHER MAJOR CHANGES IN THE LEGISLATIVE COUNCIL IT IS SUGGESTED THAT THE FIRST SPEAKER BE ELECTED IN 1986 FOR TWO YEARS.

### (F) POSSIBLE FUTURE DEVELOPMENTS

20. THE POSSIBLE SEQUENCES SUGGESTED IN PARAGRAPHS 12 AND 15 ABOVE ARE BASED UPON AN ELECTORAL CYCLE OF THREE YEARS, AND A CONSEQUENT TERM OF OFFICE OF THREE YEARS FOR UNOFFICIAL MEMBERS. SUCH A TERM OF OFFICE IS RELATIVELY SHORT, GIVEN THE IMPORTANCE OF AN ELEMENT OF CONTINUITY AND EXPERIENCE AMONG THE UNOFFICIAL MEMBERS OF THE LEGISLATIVE COUNCIL. IN ORDER TO PERMIT THE PROGRESSIVE DEVELOPMENT OF THE SYSTEM WITHIN THE TIMESCALE ENVISAGED, IT IS CONSIDERED THAT A TERM OF OFFICE OF THREE YEARS FOR ELECTED MEMBERS WILL BE NECESSARY, AT LEAST UNTIL 1991. UNTIL THAT TIME, AN ELEMENT OF EXPERIENCE AND CONTINUITY AMONG THE UNOFFICIAL MEMBERS WILL BE PROVIDED BY THE RETENTION OF A NUMBER OF APPOINTED UNOFFICIALS: AND IN PRACTICE IT IS EXPECTED THAT MANY ELECTED MEMBERS WILL STAND FOR RE-ELECTION FOR MORE THAN ONE TERM. WHEN THE SYSTEM IS FULLY IN PLACE, SAY FROM 1994 ONWARDS, A CHANGE TO A TERM OF OFFICE OF 6 YEARS FOR ELECTED MEMBERS, WITH HALF THE UNOFFICIAL MEMBERS BEING ELECTED EVERY 3 YEARS, MIGHT BE CONSIDERED.

21. IF IT WERE DECIDED, LATER IN THE DECADE, TO MOVE FROM INDIRECT TO DIRECT ELECTIONS, A START WOULD HAVE TO BE MADE IN 1991 WITH DIRECT ELECTIONS REPLACING COLLEGIATE ELECTIONS IN THAT YEAR AND, IF THAT WAS SUCCESSFUL, REPLACING FUNCTIONAL ASSOCIATION ELECTIONS IN 1994. CONSTITUENCIES WOULD BE THE SAME AS THOSE FOR REGIONAL COUNCILS.

### EXECUTIVE COUNCIL

22. IT IS (NEXT WORD UNDERLINED) PROPOSED THAT, BY 1991, THE MAJORITY OF UNOFFICIAL MEMBERS OF THE EXECUTIVE COUNCIL (SAY EIGHT OR NINE) SHOULD BE ELECTED BY THE LEGISLATIVE COUNCIL FROM AMONG THEIR NUMBER. IN ADDITION, IT IS (NEXT WORD UNDERLINED) PROPOSED THAT THERE SHOULD BE TWO RESERVED SEATS FOR APPOINTMENT BY THE GOVERNOR IN ORDER TO ENSURE A BALANCED REPRESENTATION OF INTERESTS ON THE COUNCIL. THERE SHOULD ALSO BE MEMBERS APPOINTED (NEXT WORD UNDERLINED) EX-OFFICIO FROM THE CIVIL SERVICE, I.E.

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23. ASSUMING THAT THE PERIOD OF OFFICE OF ELECTED MEMBERS OF THE LEGISLATIVE AND EXECUTIVE COUNCILS WILL BOTH BE FOR THREE YEARS, SO AS TO FIT IN WITH THE ELECTORAL CYCLE FOR THE DISTRICT BOARDS AND THE REGIONAL COUNCILS, IT IS (NEXT WORD UNDERLINED) PROPOSED THAT THE ARRANGEMENTS FOR THE ELECTION OF THE MAJORITY OF THE UNOFFICIALS MEMBERS OF THE EXECUTIVE COUNCIL BY THE LEGISLATIVE COUNCIL SHOULD BE INTRODUCED PROGRESSIVELY, I.E. FOUR IN 1988 AND OTHER FOUR (OR FIVE) IN 1991 FOLLOWING THE SECOND AND THIRD ELECTIONS RESPECTIVELY TO THE LEGISLATIVE COUNCIL. SOME UNOFFICIAL MEMBERS MIGHT BE APPOINTED FROM ELECTED LEGISLATIVE COUNCIL MEMBERS BEFORE THAT DATE.

THE GOVERNOR

24. AS FROM 1992, IT IS (NEXT WORD UNDERLINED) PROPOSED THAT THE POST OF GOVERNOR, OR CHIEF EXECUTIVE, SHOULD BE FILLED THROUGH A CONSULTATIVE PROCESS, CONFIRMED BY SOME FORM OF ELECTION: ~~BUT~~ AGAIN ON AN ELECTORAL COLLEGE BASIS. UNTIL 1997 THE GOVERNOR WOULD STILL BE ACTUALLY APPOINTED BY THE QUEEN. HE WOULD STILL CHAIR THE EXECUTIVE COUNCIL BUT, AS CHIEF EXECUTIVE OF THE GOVERNMENT, HE WOULD BE BOUND TO ACCEPT AND IMPLEMENT THE COUNCIL'S DECISIONS, UNLESS THERE WERE AREAS RESERVED FOR HIS PERSONAL DECISION BY LAW. HE WOULD BY THEN HAVE CEASED TO BE PRESIDENT OF THE LEGISLATIVE COUNCIL.

TIMING OF ANNOUNCEMENT

25. THERE WILL BE INCREASING PRESSURE ON THE GOVERNMENT TO REVEAL ITS PLANS FOR EXTENDING THE ELECTIVE PROCESS TO THE LEGISLATIVE COUNCIL, AND IT WOULD NOT BE PRACTICABLE TO REMAIN SILENT ON THE POINT WHEN THE PROPOSED DRAFT AGREEMENT ON THE FUTURE OF HONG KONG IS PUBLISHED, PROBABLY IN THE AUTUMN. THIS SUGGESTS THAT A GREEN PAPER CONTAINING THE PROPOSALS SHOULD BE PUBLISHED DURING THE COURSE OF THE SUMMER.

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26. MEMBERS WILL BE ASKED TO (NEXT WORD UNDERLINED>) ADVISE WHETHER THE PROPOSALS DESCRIBED IN PARAGRAPHS 9 TO 24 ABOVE ARE ACCEPTABLE IN PRINCIPLE, SUBJECT TO THEIR BEING FURTHER CONSULTED, IN DUE COURSE, ON THE TERMS OF A GREEN PAPER AND ON THE DETAILS OF IMPLEMENTATION. IT IS ALSO PROPOSED, SUBJECT TO MEMBERS CONCURRENCE IN THE PROPOSALS, TO CONSULT MEMBERS OF THE LEGISLATIVE COUNCIL IN CONFIDENCE BEFORE ANY GREEN PAPER IS PUBLISHED.

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RES.B. (MR WALKER)

LEGAL ADVISER (SIR IAN SINCLAIR)

PS

PS/LADY YOUNG

PS/MR LUCE

PS/PUS

SIR J BULLARD

SIR W HARDING

MR WILSON

MR FRIGET

SIR C TICKELL

COPIES TO:

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PS/LORD PRESIDENT OF THE COUNCIL

PS/HOME SECRETARY

PS/CHANCELLOR OF THE EXCHEQUER

PS/LORD PRIVY SEAL

PS/SECRETARY FOR TRADE & INDUSTRY

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MR BURROWS LEGAL ADVS

MR COLES NO 10 DOWNING ST

MR MARTIN ASSESSMENT STAFF CABINET OFFICE

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