



21 November 2008

The Hon Stephen S L Lam, JP
Secretary for Constitutional and Mainland Affairs
Government of the HKSAR

Dear *Stephen*

The BPF have already sent you our considered views on the way forward for Political Development in 2012 and 2017 and the writer has had the opportunity to speak briefly at meetings of the Strategic Commission.

The BPF has at all times emphasised the need to comply in every respect with the Statements of the Standing Committee in particular those about Functional Constituencies (FC) and the voting system of the Legislative Council.

Much has been written and spoken about the Functional Constituencies mainly on doctrinaire lines, i.e. not allowing for our special circumstances. They are here to stay in 2012 and the BPF believes for that reason it is imperative that the Government work strenuously in the short time that is left before 2012 to reduce to the minimum the often repeated criticisms of the FCs, and to improve their representativeness to the utmost extent possible. When this is done the FC half of Legislative Council can more truly be said to represent the four sectors, into which society is divided by the Basic Law.

There is no need to point out the anomalies and different levels of representation function by function, and can we call them impediments, which may prevent some of the FC's from being truly representative. It behoves the Administration, in our view, to do this work of improving the representativeness as a matter of urgency and to eliminate, for example, practices such as "packing", as an ingredient of corporate voting.

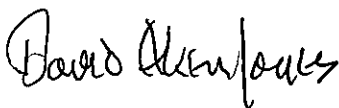
Although District Council representatives cannot properly be described as Functional Constituencies, their inclusion in the proposal for the 2005 elections received strong support. The BPF would not wish, simply for doctrinal orthodoxy of what constitutes an FC, to oppose reintroduction of this popular proposal in the 2012 elections. Indeed this may be one (but

only one) of the channels which would make it possible to segue the FC half of the legislature into eventual universal suffrage. (Since universal suffrage is said to arrive by 2020 the BPF will give in future some thought as to how this might be achieved within the need to maintain check and balance but we remain convinced of the need to retain this "FC System" in some form or another)

Most importantly and this view is shared by others every effort should be made to broaden the base of the FCs and to register eligible voters so that all those who have a claim to be able to vote as a member of a "function" are not left out through some barrier to registration. This work, about which we feel most strongly, we would urge the government to do without delay.

Finally the BPF holds to the view that a system of check and balance is a necessary part of the legislature. It was for this reason that it has, in the past, advocated a bi-cameral system. A single directly elected chamber acting by majority vote would have the same weakness sometimes attributed to the British parliamentary system, one of elected dictatorship. Two chambers and specific voting procedures linking the two are essential factors of the check and balance mechanism for Hong Kong and must be preserved in one form or another as we move towards 2020.

Yours sincerely

A handwritten signature in black ink, appearing to read "David Akers-Jones". The signature is written in a cursive, slightly slanted style.

David Akers-Jones
President