

Report on the Results of the First Public Consultation on Hong Kong Shadow Parliament (December 2020 – March 2021)

Introduction and background

On 17 December 2020, the Secretariat (the Secretariat) of the Hong Kong Shadow Parliament (HKSP) launched a public consultation on a proposed deliberative mechanism that genuinely manifests the Hong Kong people's will. Members of the public were encouraged to read the consultation paper published by the Secretariat and then submit an online feedback form through the website of HKSP. The Secretariat promoted the consultation by regularly making posts on HKSP's Twitter, Facebook and Instagram accounts. The public consultation ended on 31 March 2021. Over the course of three and a half months, the Secretariat received 1,793 feedback submissions.

The questions in the feedback form (see appendixes I & II) are divided into three parts. Part A concerns who are eligible to vote and stand in elections to the proposed HKSP. Part B concerns the composition of and the electoral system for the proposed HKSP. Except for question B-1, all questions in parts A and B are close-ended with an "other" option to accept respondents' text input. Part C contains a single open-ended question to accept respondents' comments in text.

This report contains a summary of the 1,793 submissions along with a discussion. The Secretariat produced the findings in an objective and non-judgmental manner. The findings were presented to a panel of scholars. On the basis of scholar's advice, the Secretariat discussed the acceptance and dismissal of the options and ideas received. The Interim Consultation was revised accordingly (appendix III).

The original consultation paper that the Secretariat published in December 2020 is available at <https://hkshadowparliament.com/en/consultation-paper/>.

Summary

Reference to the people of Hong Kong

Concerning the reference to the Hong Kong people for the purpose of HKSP (Question A-1), the overwhelming majority (68.6%, N=1230) of respondents were in favour of "Hongkongers".

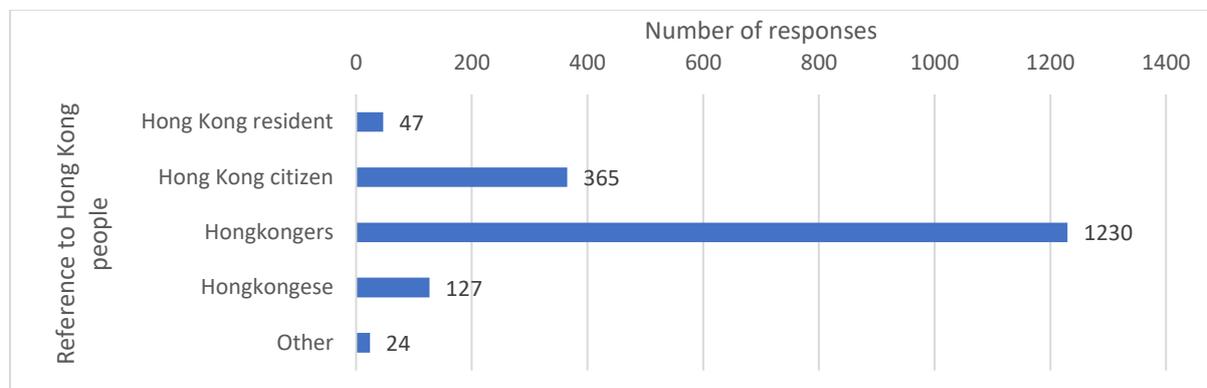


Figure 1. Bar chart: References to Hong Kong people (Question A-1)

Other notable suggestions are "Hongkongian" (the pronunciation of suffix "-ian" is close to that in Cantonese), "Hong Kong people", "Hong Kong subject" and "Hong Kong belongs" ("香港本土人").

Eligibility of voters and candidates

On election rights (Question A-2), 40.1% of the respondents (N=179) preferred that only those with the right of abode in Hong Kong would have the right to vote and stand as candidates in elections to HKSP. 36.8% of the respondents opted to admit those who have the right of abode and those born in Hong Kong.

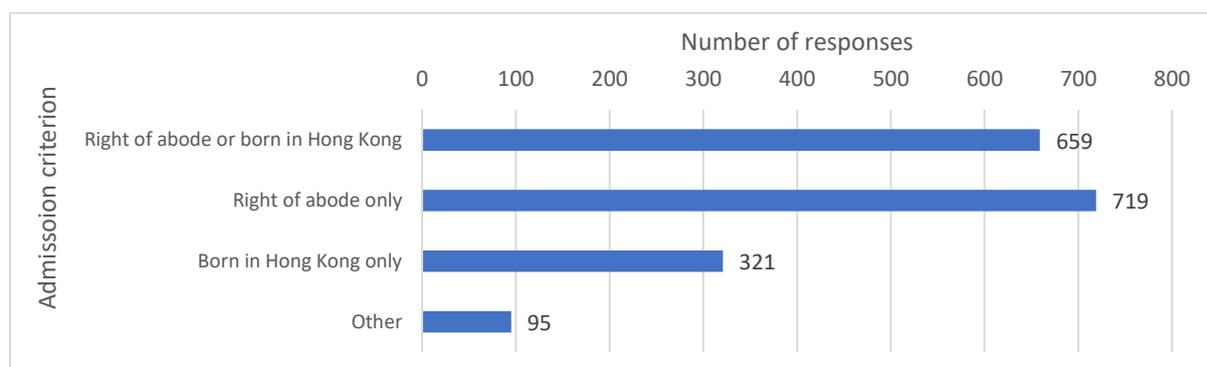


Figure 2. Bar chart: Admission criteria for voters and candidates (Question A-2)

Some respondents argued that people have to take a knowledge test to become qualified as voters and candidates. Some argued for the inclusion of the descendants of Hongkongers aboard. Some

argued for greater flexibility to the extent that anyone who identifies with Hongkongers or subscribes to the core values of Hong Kong may qualify as a voter and candidate.

Minimum age requirement

On the minimum age to vote in elections to HKSP (Questions A-3(1)), the overwhelming majority of respondents were in favour of setting it to eighteen (87.1%, N=1562). On the minimum age to stand as candidates in elections to HKSP (Questions A-3(2)), the majority of respondents (60.8%, N=1090) were in favour of setting it to eighteen. 36.6% (N=1090) of the respondents were in favour of setting it to twenty-one.

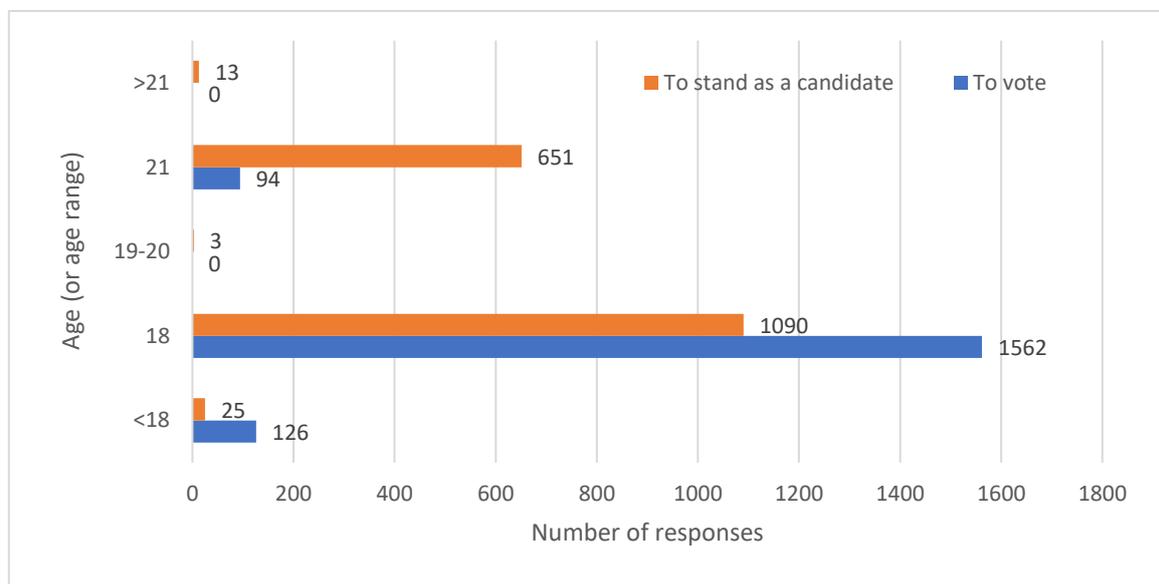


Figure 3. Bar chart: Ages (or age ranges) as the minimum age to vote and stand as candidates in elections to HKSP (Questions A-3(1) & A-3(2))

The majority of the respondents preferred adopting an equal minimum age (eighteen) for both voting and candidacy. The support for the eighteen as the minimum age for candidacy is not as high as that for voting. Some respondents argued for scraping the minimum age requirement. They suggested that a knowledge or cognition test should replace the minimum age requirement in the admission of voters and candidates.

Despite the overwhelming support for eighteen, some respondents suggested that the voting age could be lowered to sixteen to honour the teenagers who have played an active role in Hong Kong's pro-democracy movement.

A few respondents justified setting it to 21 or above for the reason that young adults may not have enough experience in the workplace and society to become good candidates.

Number of seats

On the optimal number of seats in the HKSP (Question B-1), the median number of seats is 50 (SD=26.81, M=54, N=1649).

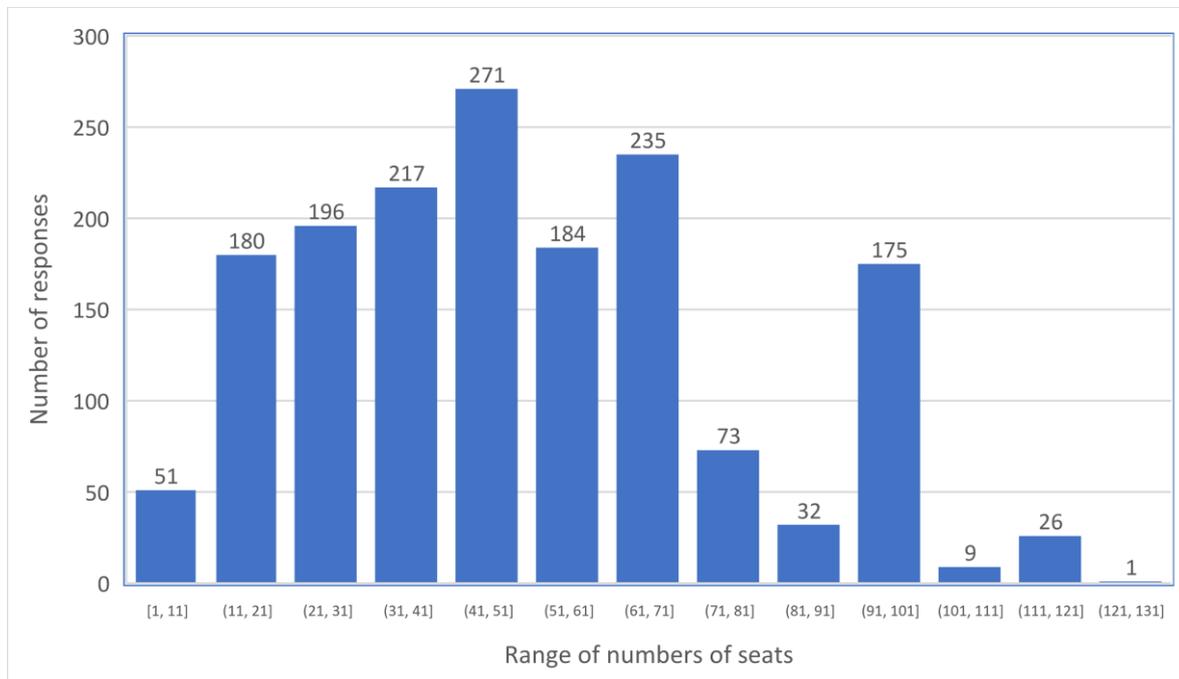


Figure 4. Histogram: Numbers of seats

Some respondents said the number of seats does not have to be a fixed number. It can be calculated based on the number of voters in each election. A few respondents argued for setting a threshold for getting a seat but not a cap on the number of seats. As a side note, question B-1 only accepts numeric values as valid input in the questionnaire. Numbers in a few submissions were found to be unreasonably high (e.g. 99,999,999). Therefore, in the data cleaning process, unrealistically high numbers were marked as outliers using Interquartile Range Method ($k=1.5$, cut-off=125) and then removed.

Electoral system

On the electoral system (Question B-2), the majority of the respondents (57.1%, N=1023) were in favour of a proportional representation system. 38.5% of the respondents (N=691) were in favour of a first-past-the-post system.

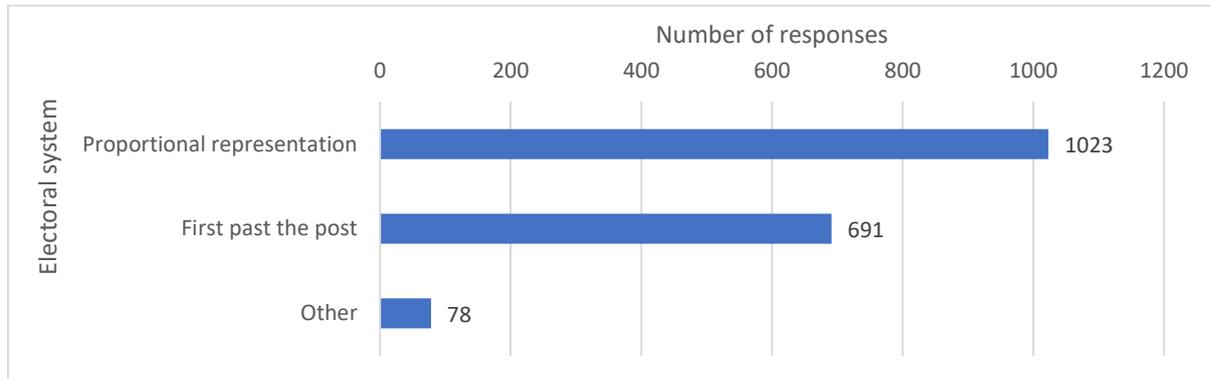


Figure 5. Bar chart: Electoral systems

Other suggestions are a mixed system (half elected by proportional representation and the other half elected by first-past-the-post system), single transferable vote and ranked voting (also known as preferential voting). Some respondents suggested the adoption of a system akin to those of Taiwan, Germany, Australia and New Zealand.

Constituency model

On the constituency model (Question B-3), the majority of the respondents (59%, N=1058) were in favour of the single constituency model. 38.8% of the respondents (N=696) were in favour of the multiple constituency model.

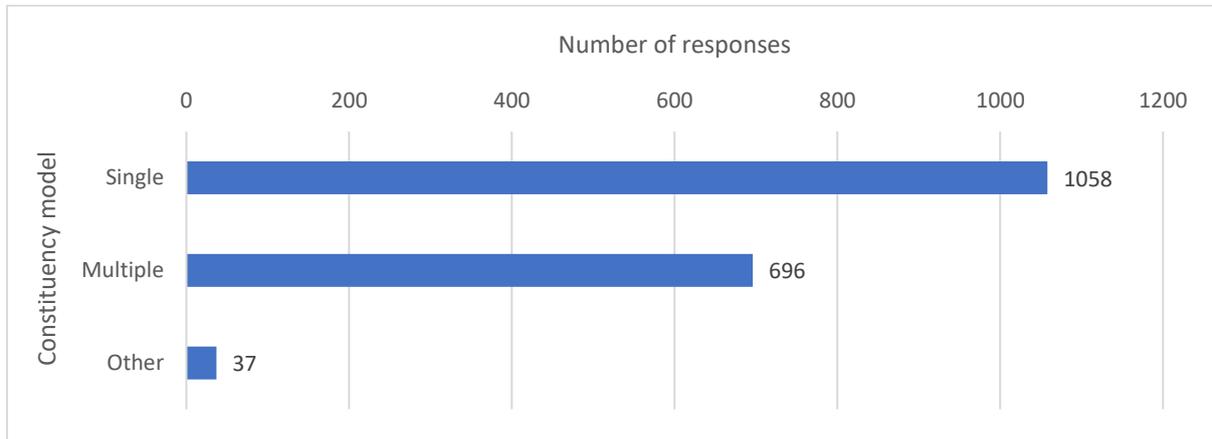


Figure 6. Bar chart: Constituency models

Among the comments favouring the constituency model, the respondents suggested a couple of ways to draw the boundaries of constituencies. Some suggested adopting the same districts of the eighteen district councils. Some suggested creating a consistency for each country or city where Hongkongers reside for overseas Hongkongers. A few suggested that the boundaries are drawn based on demographic distribution. A respondent suggested the revival of the ["new nine functional constituencies" \(新九組\)](#) into which the voters and candidate are grouped mainly by industry rather than geography.

Respondents' comments

A total of 230 respondents provided comments in part C. Amongst them, 161 comments were in Chinese and 69 were in English. The Secretariat categorised the comments into five main types as in Table 1. Please note that a piece of comment may fall into more than one category.

Type	Chinese (N)	English (N)	Both languages (N)	Percent
Support for the idea of HKSP	46	25	71	30.9%
Opposition to the idea of HKSP	11	1	12	5.2%
Suggestion	70	33	103	44.8%
Question	24	4	28	12.2%
Irrelevant	20	11	31	13.5%

Table 1. Types of comments in Chinese and English

The Secretariat identified the issues mentioned in the comments. The suggestions and questions under each issue are listed in Table 2. Please note that it is not unusual for some of the points to contradict each other as respondents may hold different views.

Issue	N	%	Summary
Expectation of elaboration/explanation	19	8.3%	<ul style="list-style-type: none"> An explanation of the difficult terms and concepts in the consultation paper is expected. A more detailed proposal is expected. A mention of other countries' parliaments as examples is expected.
Number of seats in HKSP	18	7.8%	<i>Discussed in section "Number of seats"</i>
Security	15	6.5%	<ul style="list-style-type: none"> How to protect the safety of voters and candidates who are in Hong Kong? How to make sure the voting system is secure? Can the candidates run for HKSP anonymously? The public should be encouraged to use Tor service over commercial VPN services for securing their access to the voting system in the anticipation of mass surveillance and censorship.
Purpose of HKSP	14	6.1%	<ul style="list-style-type: none"> How may HKSP help the "international front" and assist the asylum seekers? HKSP should cultivate politicians and political parties.
"Hong Kong independence"	13	5.7%	<ul style="list-style-type: none"> HKSP should serve the ultimate goal of "Hong Kong independence" and build up "armed forces".
Bicameral parliament	13	5.7%	<ul style="list-style-type: none"> HKSP should be bicameral (having two houses/chambers).
Government/assembly in exile	12	5.2%	<ul style="list-style-type: none"> HKSP should function as a parliament (or government) in exile. HKSP should assume the role of Hong Kong's legislature (or government) when Hong Kong is "liberated".
Constituency model	8	3.5%	<i>Discussed in section "Constituency model"</i>
Eligibility	7	3.0%	<i>Discussed in section "Eligibility of voters and candidates"</i>

Inclusiveness of HKSP	5	2.2%	<ul style="list-style-type: none"> • HKSP should allow Chinese patriots to take part in the affairs of HKSP in order to show the imperiality of HKSP. • HKSP should create a safe space for the people in the "blue ribbon" (pro-China/establishment) camp. • HKSP should only allow those who support democracy to take part.
Age requirement	5	2.2%	<i>Discussed in section "Minimum age requirement"</i>
Sustainability of HKSP	4	1.7%	<ul style="list-style-type: none"> • How will the HKSP sustain its operations?
Electoral system	3	1.3%	<i>Discussed in section "Electoral system"</i>
Voter verification	3	1.3%	<ul style="list-style-type: none"> • How to verify the eligibility of voters? • How to prevent voting fraud?
Seat allocation method	2	0.9%	<i>Discussed in section "Electoral system"</i>
Party politics	2	0.9%	<ul style="list-style-type: none"> • HKSP should be designed to encourage the formation of political parties and nurture politicians. • Existing political parties should be prevented from joining HKSP.
Structure of HKSP	2	0.9%	<ul style="list-style-type: none"> • How to hold Secretary-General to account while the position is not democratically elected? • The Secretary-General should have a term limit as the position yields too much power. • There should be an impeachment process for removing a Member of HKSP for misconduct.

Note: Not all comments touched on an issue. Also, one comment may touch on several issues.

Table 2. Issues raised in the comments

Discussion

Reference to the people of Hong Kong

The Secretariat will use “Hongkonger” to refer to the people of Hong Kong. Hongkongers is not only the most popular choice but also applicable to those who recognise and uphold the core values of the Hong Kong society regardless of race or ethnicity.

Eligibility of voters and candidates

The Secretariat will recognise that those who have the right of abode in Hong Kong will have the right to vote and stand as candidates in elections to HKSP. Birthplace should not be a criterion because it would strengthen the misconception that locally born people necessarily defend local interests. Moreover, the exclusion of immigrants to Hong Kong would left out the non-locally born people who have defended the indigenous culture and contributed to local communities.

Minimum age requirement

The Secretariat will set the minimum age to vote and stand in elections as eighteen (18). In response to the view that young adults may not have enough life and working experience to be good candidates, the Secretariat is of the opinion that the candidates’ capacity should be left to the voters to judge on the basis of political participation and achievements.

Number of seats

The Secretariat finds no a consensus on the number of seats. Scholars regarded the question on the number of seats trivial. Also, at this stage, it may be too early to estimate how many candidates will be running for HKSP. The Secretariat decides to leave this issue open for now. The exact number will be decided upon the Secretariat’s consultation with more experts.

Electoral system

The Secretariat will adopt the proportional representation (PR) system. The PR system gives better opportunities to small parties and independent candidates to take part in HKSP. The failure of the PR system in Hong Kong’s legislature should be attributed to the limited number of directly elected seats rather than the PR system itself.

Constituency

The Secretariat will adopt the single-consistency model in the Interim Constitution. The single-consistency model is the most popular choice and the most feasible model under the circumstances. The future Members of HKSP may change the electoral system on their accord.

Inclusiveness

If the HKSP wants to represent Hongkongers, it should not explicitly exclude the “blue ribbon” camp due to the fact that the “blue ribbon” (pro-China/establishment) camp accounts for roughly 45% of the Hong Kong population.

Security

The Secretariat fully understands the security concerns for the candidates and the voters, especially those who are still in Hong Kong. The Secretariat is determined to use a robust online voting system built by a reputable solution provider and tested by cybersecurity experts. Security instructions will be made available to Hongkongers for secure access to the HKSP’s website and the voting system.

Anonymity

While the Secretariat will try its best to protect the anonymity of voters, the same cannot go for the candidates. It will simply be infeasible to run a deliberative assembly in which the true identities of its members could be disputed.

Discrete issues

The Secretariat is not a position to pick a stance on controversial issues like “Hong Kong independence” or “government in exile”. These issues should be addressed by the future Members of HKSP.

Conclusion

Based on the discussion, the Secretariat revised the Interim Constitution as in Appendix III.

The Secretariat would like to thank members of the public who read the consultation paper and provided valuable feedback. The feedback has helped the Secretariat take the idea of HKSP forward.

Appendix I – The feedback form in English

Part A - Who are eligible to vote?

Question A-1: How to refer to the Hong Kong people in English and Cantonese, for the purpose of the Shadow Parliament?

A-1-a. Hong Kong resident 香港居民

A-1-b. Hong Kong citizen 香港公民

A-1-c. Hongkongers 香港人

A-1-d. Hongkongese 香港人

A-1-e. Other: _____

Question A-2: Who can vote and stand as candidates in elections to the Shadow Parliament? [Multiple choice]

A-2-a. Those who have the right of abode in Hong Kong

A-2-b. Those who were born in Hong Kong

A-2-c. Other: _____

Question A-3(1): What is the minimum age to vote in elections to the Shadow Parliament?

A-3(1)-a. 18

A-3(1)-b. 21

A-3(1)-c. Other: _____

Question A-3(2): What is the minimum age to stand in elections to the Shadow Parliament?

A-3(2)-a. 18

A-3(2)-b. 21

A-3(2)-c. Other: _____

Part B - Composition and electoral system

Question B-1: What is the optimal number of seats in the Shadow Parliament?

Please provide a number: _____

Question B-2: Do you agree that Members of the Shadow Parliament are elected using a proportional representation (PR) system?

B-2-a. Yes, I agree with using a proportional representation system

B-2-b. No, I prefer a first-past-the-post system

B-2-c. Other: _____

Question B-3: Should all the voters be voting and all the candidates be running in a single constituency?

B-3-a. Yes, I agree with the single constituency model

B-3-b. No, I prefer the multiple constituency model

B-3-c. Other: _____

Part C – Any other issues

Do you have any other comments on this consultation paper?

- No
- Yes: _____

Appendix II – The feedback form in Chinese

A 部份 - 選民和候選人的資格

問題 A-1: 在影子議會中，如何用英語及粵語稱呼「香港人」？

A-1-a. Hong Kong resident 香港居民

A-1-b. Hong Kong citizen 香港公民

A-1-c. Hongkongers 香港人

A-1-d. Hongkongese 香港人

A-1-e. 其他： _ _ _ _ _

問題 A-2: 在影子議會的選舉中，誰可以投票與參選？（多選）

A-2-a. 具有香港永久居留權的人

A-2-b. 在香港出生的人

A-2-c. 其他： _ _ _ _ _

問題 A-3(1): 影子議會選舉中最低投票年齡限制為何？

A-3(1)-a. 18 歲

A-3(1)-b. 21 歲

A-3(1)-c. 其他： _____

問題 A-3(2): 影子議會選舉中最低競選年齡限制為何？

A-3(2)-a. 18 歲

A-3(2)-b. 21 歲

A-3(2)-c. 其他： _____

B 部份 - 議會結構與選舉制度

問題 B-1: 影子議會最適議席數量為何？

請填寫數目： _ _ _ _ _

問題 B-2: 您是否同意影子議會的議員按照比例代表制選出？

B-2-a. 是，我同意使用比例代表制

B-2-b. 否，我傾向使用贏者全得制

B-2-c. 其他：_____

問題 B-3: 您是否同意所有選民與候選人依單一選區制進行選舉？

B-3-a. 是，我同意使用單一選區制

B-3-b. 否，我傾向使用多選區制

B-3-c. 其他：_____

C 部份 - 其他意見

您是否對此諮詢文件有其他意見？

- 沒有
- 有：_____

Appendix III – Draft interim constitution

The following text is a draft of the interim constitution of the proposed Hong Kong Shadow Parliament with annotations. The Secretariat revised this draft in response to the findings of the public consultation. The interim constitution sketches the skeleton of the SP and the key procedures. It is not meant to exhaustively spell out every rule. The SP shall make its own rules to deal with the matters not addressed in the interim constitution. Some provisions are followed by annotations, preceded by "Note".

1. Purpose, definitions and general principles

1.1. The Hong Kong Shadow Parliament is a deliberative assembly of representatives of Hongkongers elected by universal suffrage.

1.2. The Shadow Parliament is a transparent, inclusive and accountable platform on which Hongkongers elect representatives to express their views in a manner analogous to parliamentary democracy.

1.3. For the purpose of this Constitution, Hongkongers are as those who have the right of abode in Hong Kong.

1.4. No Hongkongers shall be directly or indirectly discriminated on the grounds of sex, race, colour, ethnic origin, religion, political belief, membership of a minority, property, birth, age, sexual orientation and gender identity, unless otherwise required by this Constitution.

[Note: Article 1.4 establishes the principle of non-discrimination under which no candidates running for and no members of the Shadow Parliament may be disqualified on the basis of their political stance. This provision may be seen as a response to the waves of disqualification of the candidates for and the members of Hong Kong's Legislative Council started in 2016. So, in theory, pro-Beijing candidates should not be barred in any way from running for the Shadow Parliament.]

1.5. The official languages of the Shadow Parliament are Cantonese and English.

[Note: The designation of official languages has a political and practical significance. The Shadow Parliament will mainly be run by people living overseas. It is not hard to project a phenomenon that most documents will be first written in English, as exemplified by this consultation paper. The dominance of the English language in the running of the Shadow Parliament may introduce a misconception of elitism. Such misconception is not conducive to the purpose of the Shadow Parliament. The Shadow Parliament and the Secretariat should try their best to maintain bilingualism in their official announcements and documents.]

2. Composition

2.1. The Shadow Parliament shall consist of *[n]* Members.

[Note: The precise number of seats will be determined upon the Secretariat's consultation with experts.]

- 2.2. Members of the Shadow Parliament Shall elect amongst themselves a Speaker and two Deputy Speakers.
 - 2.3. The Shadow Parliament automatically dissolves itself if more than half of all Members of the Shadow Parliament resign from the Shadow Parliament.
3. Election and dissolution
 - 3.1. Elections to the Shadow Parliament shall be free and by secret ballot.
 - 3.2. Members of the Shadow Parliament shall be elected using a proportional representation system.
 - 3.3. Hongkongers aged 18 or above have the right to vote and stand as a candidate for Members of the Shadow Parliament, subject to the identity verification process determined by the Shadow Parliament or the Secretariat.

[Note: The "subject to the identity verification process" caveat is indispensable in the practical implementation of elections. The Secretariat is not a government body and thus has neither the powers nor the resources to carry out identity checks for people in all circumstances. The robustness of identity checks depends on the capability of the online voting platform which is yet to be developed. One must possess an identity document accepted by the online voting platform to take part in the elections to the Shadow Parliament. See the discussion in Question A-2.]
 - 3.4. An election is called when
 - 3.4.1. The term of the Shadow Parliament is ending in 6 months; or
 - 3.4.2. The Shadow Parliament is dissolved.
 - 3.5. The [...] method is adopted as the seat allocation method.

[Note: The seat allocation method is left open for now as it may depend on the number of seats.]
 - 3.6. The term of each Shadow Parliament shall be four years.
 4. Meetings
 - 4.1. Calling a meeting
 - 4.1.1. The Speaker has the power to call a meeting.
 - 4.1.2. The two Deputy Speakers may co-sign a notice to call a meeting.
 - 4.1.3. [n] Members of the Shadow Parliament may co-sign a notice to call a meeting.

[Note: The number of members required to call a session depends on the number of Members of the Shadow Parliament.]
 - 4.1.4. Notice to call a meeting is invalid if not served to all Members of the Shadow Parliament and the Secretariat 48 hours in advance.
 - 4.2. The quorum for the meeting of the Shadow Parliament shall be not less than one half of all its members.

- 4.3. A simple majority shall be at least half of the quorum.
- 4.4. By a simple majority vote, the Shadow Parliament may:
 - 4.4.1. Make an open statement;
 - 4.4.2. Hold a hearing;
 - 4.4.3. Launch a public consultation;
 - 4.4.4. Invite the public to provide information;
 - 4.4.5. Hold a referendum;
 - 4.4.6. Present a statement or a report to an external body;
 - 4.4.7. Delegate a Member to represent the Shadow Parliament on a specified occasion;
 - 4.4.8. Establish and dissolve committees;
 - 4.4.9. Make an Administrative Resolution to decide an administrative matter for the Shadow Parliament;

[Note: In light of the history of abuse of power by the President, the Commission and the Secretariat of the Hong Kong Legislative Council, in our design, the administrative power should not presumably fall into the hands of a few. Usually, the Speaker makes most of the administrative decisions with the help of the Secretariat on a day to day basis. The Shadow Parliament should delegate some administrative power to the Speaker and the Secretary-General pursuant to Article 4.6.1. Ultimately, a simple majority vote of the quorum may override the Speaker's decision and has the final say.]

- 4.4.10. Make or amend an Administrative Regulation;
 - 4.4.11. Appoint or dismiss the Secretary-General of the Secretariat; and
 - 4.4.12. Propose an amendment to the Constitution, subject to the procedure set out in Article 6.
 - 4.5. An absolute majority shall be not less than two-thirds of all of the members of the Shadow Parliament.
 - 4.6. By an absolute majority vote, the Shadow Parliament may:
 - 4.6.1. Make or amend its own Rules of Procedure;
 - 4.6.2. Approve an amendment to this Constitution, subject to the procedure set out in Article 6; and
 - 4.6.3. Decide to dissolve itself.
 - 4.7. The voting results of all motions of the Shadow Parliament shall be publicly accessible.
 - 4.8. All sessions of the Shadow Parliament are open to the public unless the otherwise is approved by a simple majority vote.
 - 4.9. Every Member of the Shadow Parliament has the right to move and vote on a motion.
5. Secretariat of the Shadow Parliament
 - 5.1. A worker of the Secretariat, no matter the position is paid or unpaid, shall not be:

- 5.1.1.A Member of the Shadow Parliament; or
- 5.1.2.A candidate in the ongoing election to the Shadow Parliament.
- 5.2. All workers of the Secretariat shall maintain impartiality in all the affairs of the Shadow Parliament.
- 5.3. The Secretariat shall have a Secretary-General who is the head of the Secretariat.
- 5.4. The Secretary-General is responsible for:
 - 5.4.1.Directing the Secretariat; and
 - 5.4.2.Managing the human resources of the Secretariat.

[Note: "Managing human resources" entails the recruitment, management and dismissal of the staff and volunteers.]

- 5.5. The Secretariat is responsible for:
 - 5.5.1.Executing Administrative Regulations and Administrative Resolutions;
 - 5.5.2.Coordinating internal and external correspondence;
 - 5.5.3.Assisting the Speaker and Deputy Speakers;
 - 5.5.4.Supporting the work of the Members;
 - 5.5.5.Running the elections to the Shadow Parliament;

[Note: In light of the history of abuse of power by the returning officers in Hong Kong, the impartiality of the electoral process needs to be convincing, even in the unlikely event of a serious dispute. Ideally, elections to the Shadow Parliament should be run by an independent electoral affairs committee composed of widely respected individuals. In the very beginning of the Shadow Parliament, such a committee would be hard to be formed due to resource constraint and potential risks to prospective members. The Constitution may be amended in the future if the Shadow Parliament sees it fit to have the elections run by an independent electoral affairs committee.]

- 5.5.6.Raising funds for the Shadow Parliament;
- 5.5.7.Making payments for the Shadow Parliament; and
- 5.5.8.Publishing the account books of the Shadow Parliament regularly.

6. Amendment to the Constitution

[Note: To make the Shadow Parliament transparent and accountable to the public, any proposed changes to the Constitution should undergo a public consultation process. Public opinions are non-binding. But Members should in principle respect the opinions provided by the public to the Shadow Parliament in good faith. The amendment comes into effect if it gets the approval of the absolute majority in the second stage. The way to eliminate options generated by Article 6.2.1 shall be defined in the future Rules of Procedure.]

6.1. First stage

6.1.1. A simple majority vote of quorum is required to present a proposed amendment to the Constitution.

6.1.2. The Shadow Parliament shall consult the public on the proposed amendment on its official publication channels for no less than 14 days.

6.1.3. The Secretariat shall consolidate public views regarding the proposal.

6.2. Second stage

6.2.1. After the public consultation ended, Members shall be given no less than 7 days to present motions to amend or reformulate the original proposal in view of the public opinions.

6.2.2. A proposed amendment to the Constitution is adopted if it is approved by an absolute majority vote.