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**Statement by the Chief Secretary for Administration on the  
Fifth Report of the Constitutional Development Task Force  
at the sitting of the Legislative Council on 19 October 2005  
(Wednesday)**

(Translation)

Madam President,

The Constitutional Development Task Force will publish the Fifth Report later today to put forth a package of proposals on the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council (LegCo) in 2008. This signifies that discussion of Hong Kong's constitutional development has entered into a defining stage.

2. To ensure that the proposed package is firmly grounded on public views, the Task Force has published four reports since its establishment in January 2004 to collect widely and openly and in several stages views from different sectors of the community. Over the past 18 months or so, the Task Force has received over 2,200 submissions from members of the public, and has held two open forums, and 16 seminars and group discussions. Besides, the Task Force has met over 50 organizations and quite a number of individuals to receive their views. We have also attended sittings of Legislative Council as well as meetings of the LegCo Panel on Constitutional Affairs to brief Members on the work of the Task Force and to listen to the views of Members. Further, the Secretary for Constitutional Affairs and his colleagues have attended three public hearing sessions of the Panel on Constitutional Affairs as well as meetings of all the 18 District Councils.

3. Following each round of public consultation, the Task Force has published, in the appendices to its reports, the original text of the public views collected, and uploaded them onto the Constitutional Development Website. The work of the Task Force can be said to be highly transparent.

4. Madam President, let me briefly introduce the key elements of the proposed package.

5. On the method for selecting the Chief Executive in 2007, we propose:

- The number of members of the Election Committee to be increased from 800 to 1,600.
- The number of Election Committee members in the First, Second and Third Sectors to be increased from 200 to 300 respectively.
- The number of Election Committee members in the Fourth Sector to be increased from 200 to 700, mainly by including all (appointed, ex-officio and elected members) District Council members.
- The threshold for nominating candidates to be maintained at the ratio of one-eighth of total membership.
- To introduce a new provision that election proceedings shall continue even if there is only one validly nominated candidate.
- The existing requirement that the Chief Executive shall not have any political affiliation to be maintained.

6. On the method for forming LegCo in 2008, we propose:
- The number of LegCo seats to be increased from 60 to 70. The number of seats returned by geographical constituencies through direct elections and that returned by functional constituencies will respectively be increased to 35.
  - All the newly added functional constituency seats to be returned through election by District Council members from among themselves. Accordingly, the number of seats returned by the District Council Functional Constituency will be increased from one to six.
  - The existing provision that individuals who are not of Chinese nationality may occupy up to 12 seats to be maintained.
7. Madam President, the main thrust of the proposed package is the enhanced level of participation of District Council members in the Election Committee and the Legislative Council. Half of the newly added members of the Election Committee and all the newly added LegCo seats will basically be directly or indirectly elected by over three million voters in Hong Kong through geographical constituencies. They have a broad electorate and can greatly enhance the “democratic representation” in the two electoral methods. Furthermore, close to 60% of the seats in the fourth term LegCo will be returned by geographical constituencies.
8. The existing District Council members come from different strata and sectors of the community. Around one-fourth are from the industrial and commercial sectors, around one-fifth are from the professional and managerial ranks, whilst the others include personalities from the education, social work, sports and cultural sectors, representatives of trade unions, housewives, and representatives of rural

communities. The background of District Council members can be said to be a microcosm of the community at large. It epitomizes the spirit of “balanced participation” and gives full effect to the principle of “looking after the interests of different sectors of the community”.

9. Madam President, the Task Force has commissioned the Central Policy Unit to conduct an independent opinion poll to ascertain the level of public support for the main elements of the package. The poll was conducted by an independent opinion survey agency. The results suggest that the proposed package has the support of the majority of the public.

10. Madam President, I believe the package of proposals put forth by the Task Force today has struck the right balance amidst the various views submitted by different sectors of the community and has responded to the aspirations of the community on constitutional development. It should be acceptable to the community at large. I hope that the proposed package will have the support of Members here so that Hong Kong’s constitutional development can move forward.

11. Indeed, the Task Force firmly believes that the proposed package can provide more room and opportunities for the public to participate in the elections of the Chief Executive and LegCo, broaden the representativeness of the two electoral methods, and take forward Hong Kong’s constitutional development substantively towards the ultimate aim of universal suffrage, and is consistent with the Basic Law and the Decision of the Standing Committee of the National People’s Congress (NPCSC) made on 26 April 2004.

12. Madam President, I would like to explain the Government’s position on the issue of setting a timetable for introducing universal suffrage.

13. There are all along different views within the community on setting a timetable for universal suffrage. There are views that universal suffrage for both the Chief Executive and LegCo should be introduced in 2012. There are also views that it should be introduced in 2017 or even later. On the other hand, there are still voices in the community calling for the Central Authorities to reconsider introducing universal suffrage in 2007/2008. There are also views that there is no need to set any timetable. It is clear that views on the issue remain diverse in the community and that it would be quite difficult to reach a consensus in the near future.

14. To attain universal suffrage, we must first create favourable conditions and provide the necessary supporting measures. Only when the conditions are ripe and the supporting measures ready, and the community has reached a high degree of consensus on the pace of introducing universal suffrage, will a timetable for introducing universal suffrage be meaningful. To this end, our important task now is to make the necessary preparations for introducing universal suffrage. Our tasks include, among others, to actively groom political talents, to open more channels for those who are capable of and committed to participating in the political process, and to review the role and functions of the District Councils with a view to further expanding their functions on matters relating to district affairs. We will also set up a panel on political development under the Commission on Strategic Development to examine how to attain universal suffrage under the principles of "balanced participation", "looking after the interests of different strata of the community", and "providing adequate checks and balance" etc. Indeed, for constitutional development to move forward, supporting measures on many fronts are required. We are serious and sincere in achieving the ultimate aim of universal suffrage. The proposed package is a major step forward towards this goal. In future, we will continue to move forward in this direction step by step.

15. Madam President, we would formally present to LegCo the two motions concerning the amendments to Annex I and Annex II to the Basic Law this December. As regards the detailed arrangements, such as the allocation of seats among the subsectors of the Election Committee, the electoral method to be adopted by the District Council Functional Constituency, and the delineation of geographical constituencies, these will be dealt with in the context of local legislation. We envisage introducing the Chief Executive Election (Amendment) Bill into LegCo in January 2006 and will strive to have it passed by May 2006 at the latest, so that relevant subsidiary legislation could be amended respectively by the Government and the Electoral Affairs Commission, and the voter registration exercise be conducted, thereafter. We will form a new term Election Committee in the second half of 2006, elect a new term Chief Executive in March 2007, and amend the relevant provisions of the Legislative Council Ordinance in 2007.

16. Madam President, during the scrutiny of the Chief Executive Election (Amendment) (Term of Office of the Chief Executive) Bill by LegCo, the SAR Government undertook to study a number of legal issues arising from the term of office of the Chief Executive. The SAR Government has thoroughly examined these issues and has exchanged views with the relevant departments of the Central Authorities. In sum, the views of the SAR Government on the issues relating to the term of office are :

- (a) The legislative intent of Article 46 of the Basic Law is that the Chief Executive may only serve for not more than two consecutive terms and may not serve for more than 10 years. A new CE elected under a BL 53(2) situation may only serve for one further term after the expiry of the remainder term, and the remainder term is counted as "a term".

- (b) A new Chief Executive elected in a BL53(2) situation has the power to dissolve the LegCo once during the remainder term, whether or not the outgoing Chief Executive has already exercised such power during his term of office. This is to uphold the integrity of the powers vested in the new Chief Executive under the Basic Law.
  
- (c) It is not inconsistent with BL 53(2) not to hold a by-election if a vacancy arises within six months before the expiry of the term of the Chief Executive. Furthermore, the Task Force recommends that the Chief Executive Election Ordinance should be amended to provide for the following arrangements from 2007:
  - (i) if an election for a new term (5-year) Chief Executive will be held within six months after a vacancy in the office of the Chief Executive has arisen, it will not be necessary to hold a by-election; and
  
  - (ii) before the new term (5-year) Chief Executive takes up his office, the Acting Chief Executive will continue to assume the duties of the Chief Executive.

17. Madam President, although constitutional development in 2007/2008 will not take us immediately to the ultimate aim of universal suffrage, it is a substantive and significant step towards that goal. I hope that Honourable Members will support the proposed package so as to create more favourable conditions for the long-term constitutional development for Hong Kong. I believe that Members here would agree that the legislative work before us has to be undertaken back-to-back within a tight timeframe. I hope that Members would, in the overall interests of Hong Kong, seize the time and work with the Administration

to jointly accomplish this historic task, so that Hong Kong's democratic development can move forward.

18. Thank you, Madam President.

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