

**Statement by the Chief Secretary for Administration on the
Green Paper on Constitutional Development
at the sitting of the Legislative Council
on 11 July 2007**

Madam President,

The HKSAR Government will publish a “Green Paper on Constitutional Development” (the Green Paper) later today to consult the public on the models, roadmap and timetable for electing the Chief Executive (CE) and for forming the Legislative Council (LegCo) by universal suffrage. This represents a significant milestone of Hong Kong’s constitutional development.

2. Since 2004, the people of Hong Kong and the community have been discussing widely and expressing views on the issue of constitutional development. This bottom-up approach of public engagement has provided a solid foundation for the public consultation on the Green Paper to be launched today.

3. The Basic Law prescribes the ultimate aim of implementing universal suffrage for the CE and LegCo in the light of the actual situation in the HKSAR and in accordance with the principle of gradual and orderly progress. The Basic Law has prescribed this aim for Hong Kong, which must be, and will be, attained.

4. To take forward Hong Kong’s constitutional development towards the aim of universal suffrage, the CE initiated the discussion on universal suffrage through the Commission on Strategic Development (the Commission) in November 2005. The Commission comprises representatives of different sectors of the community, including professionals, academics, businessmen, representatives from different political parties, LegCo Members, trade unionists and businessmen etc. The Commission has provided an open forum for taking forward discussions within the community.

5. During his election campaign early this year, the CE had made it clear that he would endeavour to take forward discussions within the community on the issue of universal suffrage. He had also undertaken to publish the Green Paper in mid-2007 to consult the public on the options, roadmap and timetable for implementing universal suffrage for three months.

6. The new term HKSAR Government has just been formed on 1 July. Its first major task is to initiate and promote formal discussion on universal suffrage by the community. By the time we publish the Green Paper today, we have already been discussing various proposals for implementing universal suffrage in the Commission for 20 months. The Hong Kong community will already have an appreciable level of understanding of the issues involved, and this will provide a good basis for carrying out the public consultation exercise.

The Green Paper

7. Madam President, let me briefly introduce the content of the Green Paper.

8. The Green Paper has been prepared on the basis of the discussions of the Commission and the community in the past 20 months. All proposals received are covered by the Green Paper. At this stage, the HKSAR Government has not formed any specific views on the way forward or ruled out any options.

9. To facilitate public discussion, we have categorized the proposals received and have presented them in the Green Paper as three types of options for implementing universal suffrage for electing the CE and for forming LegCo respectively. In formulating the options, our considerations are that the coverage of the options should be sufficiently wide to help facilitate public understanding of the issues involved, provide broad scope for discussion, and enable consensus to be formed.

10. We should understand that any practicable option for implementing universal suffrage must comply with the requirements and principles of the Basic Law. Therefore, before discussing the options for implementing universal suffrage for the CE and LegCo, the Green Paper sets out the requirements that need to be complied with and the principles and considerations that need to be taken into account when designing the universal suffrage models under the framework of the Basic Law.

Models for electing the CE by universal suffrage

11. Regarding the models for electing the CE by universal suffrage, the Green Paper sets out three key issues that need to be considered:

- (i) composition and size of the nominating committee;
- (ii) method of nomination; and

(iii) method for selecting the CE by universal suffrage following nomination.

12. Regarding the composition and size of the nominating committee, we have categorised the relevant proposals as three types of options :

First type of option: forming the nominating committee by less than 800 members, which involves the proposal to form the nominating committee by 60 LegCo Members;

Second type of option: forming the nominating committee by 800 members. Most proposals put forth suggested modelling on the existing Election Committee, with the size of the nominating committee set at 800 members; and

Third type of option: forming the nominating committee by modelling on the Election Committee, but with the membership expanded to 1200-1600.

13. Regarding the method of nomination, any option must comply with Article 45 of the Basic Law that CE candidates are “nominated by the nominating committee in accordance with democratic procedures”. Under the current system of Election Committee, there can be eight candidates at most taking part in the CE election. The Green Paper presents the options relating to the method of nomination on the basis of the number of candidates available after nominations by the nominating committee. The three types of options are:

First type of option: 10 candidates or more;

Second type of option: eight candidates at most; and

Third type of option: two to four candidates at most.

14. The Green Paper also covers other related issues relating to the method of nomination include whether an upper limit should be set on the number of subscribers which a CE candidate can obtain, and whether a candidate should be required to obtain a certain number of nominations from each sector or from some specified sectors of the nominating committee.

15. As for the method of universal suffrage after nomination, the community generally acknowledges that after the nomination of candidates, the CE should be elected by universal suffrage on the basis of “one-person-one-vote”. Other related issues that need to be considered include whether one or more rounds of election should be held after nomination, and whether the election proceedings should continue if there is only one candidate.

Models for forming LegCo by universal suffrage

16. Regarding the model for implementing universal suffrage for LegCo, one key issue is how the existing functional constituencies (FCs) should be dealt with. In considering the issue, we have to take into account the political reality that 30 out of the 60 LegCo seats are returned by FCs. As any amendment to the electoral method for LegCo requires the endorsement of a two-thirds majority of all the members of LegCo, in practice, this means that the endorsement and support of members returned by FCs as well as those returned by geographical constituencies through direct elections will be required.

17. As a matter of fact, the Commission has discussed in detail the issue of whether the FCs should be abolished, but differences still remain. Nonetheless, we have categorized the proposals received relating to the models for implementing universal suffrage for LegCo as three types of options:

First type of options: replacing FC seats with district-based seats returned through direct election;

Second type of options: retaining FC seats, but changing the electoral method; and

Third type of options: increasing the number of seats representing District Councils in LegCo, and all LegCo seats would then be returned either through direct or indirect elections.

18. The Green Paper also covers the proposals relating to attaining universal suffrage for LegCo in phases, for example, there are suggestions that FC seats can be abolished in three phases.

Roadmap and timetable for implementing universal suffrage

19. Quite a number of Members have expressed concern about whether the Green Paper will set out clearly the timetable for implementing universal suffrage for discussion by members of the public. As what the CE had said here last Thursday, we cannot avoid the issue of timetable if we are to deal with the issue of universal suffrage satisfactorily. The Green Paper presents three types of options relating to the roadmap and timetable for implementing universal suffrage for electing the CE and for forming LegCo respectively.

20. Regarding the roadmap and timetable for implementing universal suffrage for CE, the three types of options are:

First type of option: forming the nominating committee directly in 2012 to attain universal suffrage;

Second type of option: going through a transitional phase and attaining universal suffrage in 2017; and

Third type of option: going through a transitional phase and attaining universal suffrage after 2017.

21. Regarding the roadmap and timetable for implementing universal suffrage for LegCo, the three types of options are:

First type of option: attaining universal suffrage in one go in 2012;

Second type of option: attaining universal suffrage in phases in 2016; and

Third type of option: attaining universal suffrage in phases after 2016.

22. In the discussion of the roadmap and timetable for implementing universal suffrage, the Green Paper also covers the issue as to whether universal suffrage for the CE should precede that for LegCo, as proposed by some, for discussion.

Public Consultation

23. Following the publication of the Green Paper today, we will proceed with the three-month public consultation. The public consultation should be open and transparent, and can enable the Government to reach out to the community. Copies of the Green Paper are available at District Offices. The Green Paper has also been uploaded onto the website.

24. We will listen to the views of LegCo Members, District Council members, individuals of different sectors and strata, as well as district personalities actively through meetings and public forums etc. We will also welcome different sectors of the community to put forth their views through written submissions or emails on or before 10 October.

Conclusion

25. Madam President, the Green Paper is promulgated with a clear objective in mind, that is to identify for the community a set of solutions on how and when universal suffrage should be implemented. We hope the Green Paper and the ensuing public consultation would serve to forge broad consensus on the issue of universal suffrage within the community. After the close of public consultation, we will summarize the views received from the community and assess whether a mainstream view could be formed as the basis for taking forward the work to the next phase. The CE will submit a report to the Central Authorities to reflect faithfully any mainstream views formed during the public consultation and other views expressed.

26. I would like to reiterate that the Government is as sincere as it is determined to implement universal suffrage. We hope that the issue of universal suffrage can be resolved in a satisfactory manner, which would be conducive to the progressive development of Hong Kong's political environment. We cannot afford to allow the issue of universal suffrage to polarize the community any longer. The attention and energy of all those participating in public affairs should be more productively invested in the betterment of our economy and the livelihood of our citizens. To build a harmonious society, the interests of the people should always be our priority.

27. The people of Hong Kong rightfully expect the Government and LegCo to demonstrate leadership in the discussion, and to help forge consensus within our community. I call upon political parties and groups, as well as different quarters of our community to keep an open mind and be accommodating. It is only through rational and pragmatic public discourse that we can forge consensus on the future constitutional development of Hong Kong.

28. Thank you, Madam President.