

## Press Releases

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LC: Statement by CS on Consultation Document on the Methods for Selecting the CE and for Forming the LegCo in 2012

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Following is the statement (English translation) by the Chief Secretary for Administration, Mr Henry Tang, on the Consultation Document on the Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012 in the Legislative Council today (November 18):

Mr President,

The HKSAR Government will publish a consultation document on the methods for selecting the Chief Executive and for forming the Legislative Council in 2012 later today, and commence a three-month public consultation.

Effort in further democratising our electoral system

It is the common aspiration of the HKSAR Government and the community to further democratise Hong Kong's electoral system. Articles 45 and 68 of the Basic Law stipulate clearly that Hong Kong shall attain the ultimate aim of selecting the Chief Executive (CE) and forming the Legislative Council (LegCo) by universal suffrage in the light of actual situation and in accordance with the principle of gradual and orderly progress.

The HKSAR Government established the Constitutional Development Task Force in January 2004. After several rounds of public consultation, the HKSAR Government put forth, in October 2005, a package of proposals for amending the methods for selecting the CE in 2007 and for forming the LegCo in 2008. Regrettably, although the proposed package received the support of the majority of the public, it was not endorsed by a two-thirds majority of all the LegCo members.

Notwithstanding that, during the period between end-2005 and mid-2007, the HKSAR Government continued to make effort in promoting discussions within the community on the issue of universal suffrage through the Commission on Strategic Development (the Commission).

Shortly after its establishment in July 2007, the third-term HKSAR Government issued the Green Paper on Constitutional Development to consult the public on the models, roadmap and timetable for implementing universal suffrage for the CE and the LegCo. In December 2007, the CE submitted a report to the Standing Committee of the National People's Congress (NPCSC), reflecting to the Central Authorities faithfully the views received during the public consultation. Having considered the report submitted by the CE, the NPCSC adopted, in late December 2007, the "Decision on Issues Relating to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2012 and on Issues Relating to Universal Suffrage" (the NPCSC decision). In accordance with the decision, universal suffrage will not be implemented in 2012, but appropriate amendments conforming to the principle of gradual and orderly progress may be made to the two electoral methods. The decision also makes clear that

universal suffrage may be implemented for electing the CE and all the members of the LegCo in 2017 and 2020 respectively.

The NPCSC decision is a historical milestone in the evolution of Hong Kong's constitutional development. It is a constitutional decision with authority and legal effect. It lays a solid foundation for our pursuit of democracy.

To implement the NPCSC decision, the Commission set up a task group on constitutional development which comprised representatives from various sectors to discuss the two electoral methods for 2012.

The reason why I dwelled at some length on the discussion process of constitutional development in the past few years is to demonstrate that the HKSAR Government fully understands the aspiration of various sectors of the community for democracy. Right from the beginning, we have been adopting an empathetic attitude to take forward this task. We will continue to make every endeavour, with utmost sincerity, to roll forward Hong Kong's constitutional development towards the aim of universal suffrage.

#### Objectives and Principles

The public consultation, which will commence today, is a crucial step for implementing the NPCSC decision. Our objective is to enhance the democratic elements of the two electoral methods for 2012.

This consultation document is prepared on the basis of the discussions of the Commission last year and the proposals put forth by different political parties and groups, as well as individuals and organisations from the community on the two electoral methods for 2012. We have also made reference to the views collected in the previous public consultation exercises conducted by the Task Force on the two electoral methods for 2007 and 2008. The consultation document has summarised the views and the relevant justifications on the key elements of the two electoral methods for 2012 put forth by different sectors, and has set out the directions which may be considered.

In preparing the consultation document, we have considered the following five principles:

(i) it must comply with the relevant provisions of the NPCSC decision, including that appropriate amendments conforming to the principle of gradual and orderly progress may be made to the electoral methods for the CE and the LegCo in 2012. Regarding the electoral method for the LegCo in 2012, the half-and-half ratio between members returned by functional constituencies (FCs) and members returned by geographical constituencies (GCs) through direct elections shall remain unchanged;

(ii) it must be consistent with the principles under the Basic Law, including meeting the interests of different sectors of society, facilitating the development of the capitalist economy, gradual and orderly progress, and being appropriate to the actual situation in the HKSAR;

(iii) it can respond to the aspiration of the community on constitutional development and enhance the democratic elements of the elections;

(iv) it can enhance the representativeness and democratic elements of the elections, realise democratic enhancement and development, and pave the way for implementing universal suffrage for the CE in 2017 and for the LegCo in 2020; and

(v) it can have the possibility of being accepted by the majority of the public, the LegCo, the CE and the Central Authorities.

The starting point for the directions which may be considered, as set out in the consultation document, is that such directions comply with the above-mentioned principles, and that they are legal, reasonable and practicable. We aim to provide a more specific framework to facilitate focused discussion by the public and different sectors of the community, in the hope that this will help forge a broad consensus within the community. However, I should emphasise that the HKSAR Government adopts an open attitude with regard to the two electoral methods for 2012. We will listen carefully to the views of the public, different sectors of the community and the LegCo, and consider these views together with those received in the past before formulating the Government's proposed package.

Directions which may be considered regarding the electoral method for the Chief Executive for 2012

I would now like to talk about the key content of the consultation document. To start with, as regards the electoral method for selecting the CE in 2012, the consultation document sets out five key issues and the directions which in the view of the HKSAR Government may be considered.

First, number of members of the Election Committee: Currently the Election Committee has 800 members. We are of the view that consideration may be given to increasing the number of members to not more than 1200, so as to meet the requirement of gradual and orderly progress, provide more room for members of the community to participate in the CE election, and further enhance the representativeness of the Election Committee. This will also help transform the Election Committee into the nominating committee when universal suffrage for the CE is implemented in 2017.

Secondly, composition of the Election Committee: In compliance with the principle of balanced participation, consideration may be given to increasing the number of members of the four sectors by the same proportion, i.e. to add 100 members for each sector.

For the fourth sector (i.e. the LegCo, District Councils, Heung Yee Kuk, Hong Kong deputies to the National People's Congress and Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference), consideration may be given to allocating most of the 100 seats to District Council members in order to enhance the democratic elements of the Election Committee through District Council members who have a public mandate.

As regards the representatives of District Councils in the Election Committee, consideration may be given to having all such representatives elected from among elected District Council members, i.e. appointed District Council members will not take part in the election.

Thirdly, electorate base of the Election Committee: We consider that increasing the proportion of District Council members in the Election Committee, as mentioned above, can broaden the electorate base of the Election Committee more effectively, and thus enhance the democratic elements of the Election Committee election.

Fourthly, nominating arrangements for the CE: The current nomination threshold is at the ratio of one-eighth of the total membership of the Election Committee. This arrangement allows sufficient competition and ensures that candidates have sufficient support. Hence, we are of the view that consideration may be given to maintaining this nomination threshold.

Fifthly, political affiliation of the CE: Regarding the existing requirement that the CE should not have any political affiliation, consideration may be given to maintaining this requirement at this stage.

Directions which may be considered regarding the electoral method for the Legislative Council for 2012

The second area is the electoral method for forming the LegCo in 2012. The consultation document sets out three key issues and the directions which in the view of the HKSAR Government may be considered.

First, number of seats of the LegCo: We are of the view that consideration may be given to increasing the number of LegCo seats from 60 to 70, so as to broaden the scope for political participation and meet the operational requirements of the LegCo.

Secondly, electorate base of the LegCo: In accordance with the NPCSC decision, the half-and-half ratio between members returned by FCs and members returned by GCs through direct elections shall remain unchanged in 2012. In other words, among the 10 additional seats, five will be allocated to FCs. Consideration may be given to having all these five new seats and the existing District Council FC seat returned through election among elected District Council members, i.e. appointed District Council members will not take part in the election.

We consider that the arrangement of not creating any "traditional" FC and that through the increased participation of elected District Council members, who have a broader electorate base, can help enhance the democratic elements of the FC elections and forge consensus within the community.

Thirdly, nationality of LegCo members: Currently, permanent residents of Hong Kong who are not of Chinese nationality or who have the right of abode in foreign countries may stand in the elections for 12 FC seats. We are of the view that consideration may be given to maintaining such an arrangement.

Injecting new democratic elements

The proposed package on the 2007/08 elections put forth by the Government in 2005 was supported by the majority of the public. That is to say, the proposed package at the time was one with broad public support. According to the directions which may be considered as mentioned above, new democratic elements will be injected into the proposed package for the 2012 elections.

First, in 2007 we secured a timetable for universal suffrage.

Secondly, under the requirement that the half-and-half ratio between members returned by FCs and members returned by GCs through direct elections shall remain unchanged, we have abided by the principle of not creating new "traditional" FCs. By increasing the number of seats to be returned through election among elected District Council members, we are striving for maximum room to enhance the democratic elements of the LegCo.

Thirdly, in 2005, some of the LegCo members vetoed the proposed package for the 2007/08 elections, one of the reasons being the participation by appointed District Council members. All along, appointed District Council members, like elected members, have been serving the public wholeheartedly. The HKSAR Government fully acknowledges their contribution. However, in order to further enhance the democratic elements of our elections, we now suggest that consideration may be given to having all District Council seats in the Election Committee and the LegCo elected from among elected District Council members in 2012. In other words, by then close to 60% of the seats in the LegCo will be returned by geographical constituencies through direct or indirect elections. This is one major step forward.

Issues regarding universal suffrage

Mr President, under the framework of the NPCSC decision, we have strived for the maximum room to enhance the democratic elements of the 2012 elections, so as to pave the way for implementing universal suffrage in a steady manner.

The NPCSC decision has made clear the universal suffrage timetable: universal suffrage may be implemented for the CE in 2017 and for the LegCo in 2020. This is a constitutional decision. The decision sets no precondition that democratic progress must be made for the 2012 elections before universal suffrage for the CE and the LegCo could be implemented. However, if progress could be made for constitutional development in 2012, this would be conducive to a steady transition of Hong Kong's electoral system to universal suffrage. On the contrary, if our constitutional development gets stuck again, it will inevitably disappoint members of the public and undermine their confidence in LegCo's ability to reach consensus on constitutional development.

We understand the aspiration of different political parties in the LegCo and some members of the community for universal suffrage. However, I must emphasise that the constitutional decision of the NPCSC was made after careful consideration, which cannot be amended lightly.

Hence, implementing universal suffrage for the CE and the LegCo in 2012 is not consistent with the NPCSC decision. As regards the HKSAR Government putting forth a roadmap for universal suffrage in 2017 and 2020, this also goes beyond what the current-term HKSAR Government has been authorised to deal with.

As a matter of fact, following the NPCSC decision which has made clear the universal suffrage timetable, the roadmap for implementing universal suffrage is already beginning to take shape. Regarding the universal suffrage model for the CE, the

NPCSC decision has already made it clear that when universal suffrage for the CE is implemented in 2017, the nominating committee may be formed with reference to the current provisions regarding the Election Committee in Annex I to the Basic Law. The NPCSC decision also stipulates that the nominating committee shall in accordance with democratic procedures nominate a certain number of candidates for the office of the CE, who is to be elected through universal suffrage by all registered electors of the HKSAR (i.e. one-person-one-vote).

If the composition of the Election Committee for 2012 can be dealt with properly, it will facilitate the transformation of the Election Committee into the nominating committee when universal suffrage is implemented in 2017. The only remaining issue that needs to be dealt with is how CE candidates should be nominated in accordance with democratic procedures.

As for the universal suffrage model for the LegCo, we consider that the existing FC elections have yet to comply with the principles of universality and equality. The model for implementing universal suffrage in 2020 should comply with these two principles.

From now until 2020, there will be two LegCo elections to be held in 2012 and 2016. The community will have sufficient time to deal with the issue of universal suffrage for the LegCo. Although the current-term HKSAR Government will only deal with the 2012 LegCo electoral method, we still hope that, by not increasing "traditional" FCs, we can roll forward the electoral system by making gradual and orderly progress towards universal suffrage.

In order to respond to the aspiration of some political parties in the LegCo and some individuals in the community for commencing discussion on universal suffrage models as soon as possible, the HKSAR Government will summarise and conclude any views relating to universal suffrage received during the public consultation. These views will serve as reference for the HKSAR Government to be formed in 2012 and 2017 for dealing with the issue of universal suffrage for the CE and the LegCo.

## Conclusion

Mr President, as I have emphasised repeatedly, the HKSAR Government is determined with utmost sincerity to move Hong Kong's electoral system towards universal suffrage. We will adopt an open attitude in listening to the views of the members of the public and various sectors of the community on the two electoral methods for 2012. We will continue to communicate with LegCo members and strive to achieve consensus.

Taking the history of western democracies as reference, we can clearly see that democratisation is an evolutionary process. Over time, each community has to find a democratic system that suits its social development and characteristics. The system can be improved upon continuously.

Hong Kong has its own unique historical background, social environment and constitutional arrangements. We are not constructing our democratic system from scratch. Hong Kong is a society which attaches much importance to stability. Hong Kong people in general are of the view that changes in a system should be made in the light of actual situation and through gradual and orderly progress, and that the system should be

improved continuously, so that different parts of the system can operate smoothly in a coordinated manner. Hong Kong people do not seek drastic or sudden changes. Imagine a machine with its parts working in an uncoordinated fashion. It will only lead to enormous, unnecessary damages that can be very costly. Hence, we must adopt a pragmatic approach and roll forward democracy steadily. The NPCSC decision in 2007 is the basis for formulating the two electoral methods for 2012. It is imperative that political parties and the community take this as the starting point, otherwise it will not be possible to forge consensus.

We fully appreciate that constitutional development is a highly sensitive subject. Views are diverse on how we should go down the path of democracy, and the speed at which we should proceed. If this cannot be dealt with properly, conflicts within the community will be intensified. Hence, what we need is our collective wisdom and the accommodating attitude of the whole community. Confrontation should give way to dialogue; hostility should give way to sincerity; and differences should give way to consensus. At the same time, democratisation will unavoidably affect the interests of some individuals. We sincerely hope that all of us can place the overall interest of the community ahead of personal interests.

For years, the Hong Kong community has been discussing the issue of constitutional development. It is time to take action to achieve real progress, so as to prevent the community from continuing to dissipate our energy over disputes about constitutional development. The HKSAR Government, the LegCo and members of the public have a common aspiration, that is, to break the stalemate in Hong Kong's constitutional development, to take a progressive step forward on our path to democracy, and to form a solid basis for implementing universal suffrage. Four years ago, we missed a golden opportunity. Up till now, we still feel deeply sorry about that turn of events. We must not allow history to repeat itself. Today, we are facing an unprecedented opportunity. All of us should cherish and seize this opportunity. I appeal sincerely to my fellow citizens and all members of the LegCo that we should adopt an open, rational and accommodating attitude in handling this public consultation. I also hope that various sectors of the community and members of the public will give us your views actively. With the collective wisdom and the determination of the people of Hong Kong, we can bring real democratic progress to the two electoral methods for 2012.

Thank you, Mr President.

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