

立法會
Legislative Council

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LC Paper No. CB(2)1592/14-15
(These minutes have been seen
by the Administration)

**Subcommittee on Proposals on
the Method for Selecting the Chief Executive in 2017**

**Minutes of the first meeting
held on Thursday, 30 April 2015, at 8:30 am
in Conference Room 1 of the Legislative Council Complex**

Members present : Hon TAM Yiu-chung, GBS, JP (Chairman)
Hon Paul TSE Wai-chun, JP (Deputy Chairman)
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon CHAN Kam-lam, SBS, JP
Hon LEUNG Yiu-chung
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, GBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon WONG Kwok-hing, BBS, MH
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon Starry LEE Wai-king, JP
Dr Hon LAM Tai-fai, SBS, JP
Hon CHAN Hak-kan, JP
Hon CHAN Kin-por, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS
Hon Alan LEONG Kah-kit, SC
Hon Albert CHAN Wai-yip
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon NG Leung-sing, SBS, JP
Hon Steven HO Chun-yin
Hon Frankie YICK Chi-ming
Hon WU Chi-wai, MH
Hon YIU Si-wing

Hon Gary FAN Kwok-wai
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
Dr Hon Kenneth CHAN Ka-lok
Hon CHAN Yuen-han, SBS, JP
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Alice MAK Mei-kuen, JP
Hon KWOK Wai-keung
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon SIN Chung-kai, SBS, JP
Dr Hon Helena WONG Pik-wan
Dr Hon Elizabeth QUAT, JP
Hon Martin LIAO Cheung-kong, SBS, JP
Hon TANG Ka-piu, JP
Dr Hon CHIANG Lai-wan, JP
Hon CHUNG Kwok-pan
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen, BBS

**Members
absent** : Hon James TO Kun-sun
Hon Ronny TONG Ka-wah, SC
Hon Cyd HO Sau-lan, JP
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon WONG Yuk-man
Hon James TIEN Pei-chun, GBS, JP
Dr Hon KWOK Ka-ki
Hon Dennis KWOK
Hon IP Kin-yuen

Public Officers : Mrs Carrie LAM CHENG Yuet-ngor
attending Chief Secretary for Administration

Mr Rimsky YUEN
Secretary for Justice

Mr Raymond TAM Chi-yuen
Secretary for Constitutional and Mainland Affairs

Mr Sunny PAU Pak-sun
Acting Principal Assistant Secretary for Constitutional and
Mainland Affairs

Clerk in attendance : Ms Joanne MAK
Chief Council Secretary (2) 3

Staff in attendance : Miss Flora TAI
Assistant Secretary General 2

Mr Kelvin LEE
Assistant Legal Adviser 1

Miss Cindy HO
Senior Council Secretary (2) 3

Miss Karen LAI
Council Secretary (2) 5

Mrs Fanny TSANG
Legislative Assistant (2) 3

Action

I. Election of Chairman

Election of Chairman

Mr LEE Cheuk-yan, the member who had the highest precedence among members of the Subcommittee present, called for nominations for the chairmanship of the Subcommittee. Mr TAM Yiu-chung was nominated by Mr Jeffrey LAM and the nomination was seconded by Mr CHAN Kam-lam. Mr TAM Yiu-chung accepted the nomination. Mr LEE called for other nominations.

2. Ms Emily LAU was nominated by Mr Alan LEONG and the nomination was seconded by Mr SIN Chung-kai. Ms Emily LAU accepted the nomination.

3. As there was no other nomination, Mr LEE Cheuk-yan announced a vote by secret ballot. 28 and eight members voted for Mr TAM Yiu-chung and Ms Emily LAU respectively. Mr LEE declared Mr TAM Yiu-chung elected as the Chairman of the Subcommittee. Mr TAM then took the chair.

Election of Deputy Chairman

4. Members agreed that a deputy chairman was required. The Chairman then called for nominations. Mr Paul TSE was nominated by Mr CHAN Kam-lam and the nomination was seconded by Mr CHAN Han-pan and Mr Steven HO. Mr Paul TSE accepted the nomination. The Chairman called for other nominations.

5. Ms Emily LAU was nominated by Mr Alan LEONG and the nomination was seconded by Mr WU Chi-wai. Ms Emily LAU accepted the nomination. The Chairman called for other nominations.

6. As there was no other nomination, the Chairman announced a vote by secret ballot. 30 and nine members voted for Mr Paul TSE and Ms Emily LAU respectively. The Chairman declared Mr Paul TSE elected as the Deputy Chairman of the Subcommittee.

II. Meeting with the Administration

[Consultation Report and Proposals on the Method for Selecting the Chief Executive by Universal Suffrage, and LC Paper No. CB(2)1354/14-15(01)]

7. The Subcommittee deliberated (index of proceedings attached at **Annex**).

Meeting schedule

8. Members were invited to consider a proposed meeting schedule tabled at the meeting. As some members had signed up to join a visit scheduled by the Panel on Education for 5 May 2015 morning, the Chairman decided that the next meeting should not be held on 5 May 2015 at 10:45 am as proposed. The Clerk would propose another time slot for holding the next meeting.

(Post-meeting note: With the concurrence of the Chairman, the meeting schedule of the Subcommittee was issued on 30 April 2015 vide LC Paper No. CB(2)1366/14-15.)

Invitation of public views

9. Members agreed to post a notice on the Legislative Council website to invite public views on the Administration's proposals on the method for selecting the Chief Executive in 2017. In line with usual practice, invitation letters would be sent to the 18 District Councils. Members also agreed to

receive public views at the meetings scheduled for 16 and 23 May 2015 from 9:00 am to 6:30 pm.

III. Any other business

10. There being no other business, the meeting ended at 10:30 am.

Council Business Division 2
Legislative Council Secretariat
29 May 2015

**Proceedings of the first meeting of the
Subcommittee on Proposals on
the Method for Selecting the Chief Executive in 2017
on Thursday, 30 April 2015, at 8:30 am
in Conference Room 1 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000140 - 001215	Members	Election of Chairman	
001216 - 002319	Chairman Members	Election of Deputy Chairman	
002320 - 003106	Chairman Administration	<p data-bbox="683 770 889 800">Opening remarks</p> <p data-bbox="683 837 1308 1671">The Chief Secretary for Administration ("CS") said that as the Administration had all along stressed in the first and second rounds of public consultation, the constitutional reform proposals had to comply with the relevant provisions of the Basic Law ("BL") and the relevant Interpretation and Decisions of the Standing Committee of the National People's Congress ("NPCSC"), so as to fully implement the principle of "one country, two systems" and to be consistent with the constitutional status of the Hong Kong Special Administration Region ("HKSAR") as a local administrative region coming directly under the Central People's Government ("CPG"). The Administration's proposals on the method for selecting the Chief Executive ("CE") by universal suffrage ("the Proposals") were therefore formulated in compliance with the relevant provisions of BL and within the framework laid down by the Decision adopted by NPCSC on 31 August 2014 ("the 2014 Decision of NPCSC"). At the present stage, demands for the 2014 Decision of NPCSC to be revoked or amended, or proposals which were inconsistent with the relevant BL stipulations, were unrealistic and would not be conducive to forging a consensus in the community.</p> <p data-bbox="683 1709 1308 1936">CS pointed out that the first sentence of paragraph 31 in her Statement made at the Council meeting of 22 April 2015 and also the first sentence of paragraph 3.51 in the Consultation Report and Proposals on the Method for Selecting the Chief Executive by Universal Suffrage had been quoted out of context repeatedly. She advised that the two</p>	

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		<p>paragraphs were related to the issue of the method for selecting CE after 2017 and they should be read and understood in their entirety.</p> <p>CS advised that the Administration would strive to move the relevant motion concerning the amendment to the method for the selection of CE at a Council meeting before the end of the current legislative session.</p>	
003107 - 003523	Chairman Mr WONG Kwok-hing	Mr WONG Kwok-hing expressed support for the publicity conducted by Government officials to reach out to people in local districts to promote the Proposals.	
003524 - 003951	Chairman Ms Emily LAU Administration	<p>Ms Emily LAU pointed out that it was the strong demand of Hong Kong people that the CE election by universal suffrage in 2017 should be one which was fair, competitive and giving voters a genuine choice. She questioned what the Administration had done to reflect these aspirations to the Central Authorities. CS responded that the community had diverse views on constitutional reform. The Central Authorities were well aware of the fact that the community was divided on issues relating to constitutional development, particularly on the procedures to nominate CE candidates. The 2014 Decision of NPCSC set out a clear framework on the method for selecting CE by universal suffrage, which was conducive to forging a consensus in the community and attaining the goal of selecting the CE by universal suffrage. The Administration pointed out that in the past year, the HKSAR Government had arranged Members belonging to different political parties/affiliations to meet with the Central Authorities and their officials stationed in Hong Kong.</p>	
003952 - 004349	Chairman Mr Gary FAN	<p>Mr Gary FAN expressed dissatisfaction that the Proposals failed to respond to the strong aspirations of Hong Kong people for civic nomination and went against public opinions. He considered that the Proposals, if "pocketed" now, would be "pocketed forever". He considered that under the Proposals, the Nominating Committee ("NC") was merely a replica of the Election Committee ("EC") and would be completely controlled by the Central Authorities. As a result, persons who were not favoured by the Central Authorities would be screened out by NC.</p>	

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004350 - 004756	Chairman Mr Alan LEONG Administration	<p>Mr Alan LEONG considered that the Proposals, as well as the functional constituency system, were aimed to consolidate the interests of the "Alliance of the Privileged" of Hong Kong. As the persons seeking nomination would have to canvass votes from the 1 200 NC members, the latter would become the privileged as they were to determine who could be CE candidates. The future NC was just a replica of EC, and it was clear from the CE elections in the past 18 years that public opinions had not been taken into account by EC.</p> <p>CS advised that the 1 200-member EC, and the future NC, were required under BL 45 to be "broadly representative". Experience had demonstrated that the composition of EC had enabled balanced participation of different sectors of the community, and was conducive to maintaining the stability and prosperity of Hong Kong. The formation of NC, by following the current composition of EC, would ensure that the CE candidates to be nominated and the CE-elect were able to represent the interests of different sectors of the community of Hong Kong.</p>	
004757 - 005149	Chairman Mr LEUNG Che-cheung	<p>Mr LEUNG Che-cheung pointed out that the results of opinion polls conducted by various institutions were that 47% to some 50% of respondents supported that the Legislative Council ("LegCo") should endorse the Proposals, whereas over 80% of respondents supported implementation of universal suffrage for the selection of CE. He considered that Members of the pan-democratic camp should not act against the public views.</p>	
005150 - 005734	Chairman Mr LEE Cheuk-yan Administration	<p>Mr LEE Cheuk-yan considered that under the Proposals, the right to stand for election under BL 26 was deprived as the nomination procedures were subject to unreasonable restrictions. He did not believe that the CE elected by "fake universal suffrage" would fight for the interests of Hong Kong people. Rather, the future CE would seek to consolidate the support of the 1 200 NC members for him/her by adopting policies in their favour. He also expressed dissatisfaction that the Administration had not come up with any proposal to enhance the representativeness of NC.</p> <p>The Secretary for Justice ("SJ") pointed out that the right to vote, the right to stand for election, and the</p>	

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		<p>right to nominate were three different concepts in law. The right to vote and the right to stand for election in accordance with law were provided in BL 26, whereas the right to nominate was provided in BL 45, which clearly specified that the power to nominate CE candidates was vested in NC only, and that the power was a substantive one. The composition and formation method of NC would be based on the 2014 Decision of NPCSC. SJ added that NC members were responsible for nominating CE candidates having regard to the overall interests of Hong Kong rather than their own political inclination.</p>	
005735 - 010159	<p>Chairman Mr Frederick FUNG Administration</p>	<p>Mr Frederick FUNG pointed out that some 630 seats in EC were returned by corporate votes, and the 1 200-member EC was returned by only some 270 000 electors. In his view, EC could not be regarded as broadly representative. Mr FUNG also believed that under the Proposals, the nomination process could be manipulated easily. He considered that it would not be difficult for the Central Authorities to predetermine which two or three persons were to be the CE candidates, provided that the Central Authorities managed to control 601 NC members, who would then vote for the same two or three persons seeking nomination. Mr FUNG considered that the nomination procedures did not comply with the principle of the International Covenant on Civil and Political Rights ("ICCPR") that there should be no unreasonable restrictions. He stressed that the method for selecting CE by universal suffrage should also comply with the standards laid down in ICCPR.</p> <p>CS emphasized that the Proposals complied with the relevant provisions of BL and the 2014 Decision of NPCSC, so as to fully implement the principle of "one country, two systems" and to be consistent with HKSAR's constitutional status as a local administrative region coming directly under CPG. CS stressed that the Proposals were constitutional, lawful, fair and reasonable.</p>	
010200 - 010608	<p>Chairman Dr Priscilla LEUNG</p>	<p>Dr Priscilla LEUNG stressed that discussions on implementing universal suffrage for the selection of CE in 2017 should be held within the constitutional and legal framework laid down by BL and relevant Interpretation and Decisions of NPCSC. She</p>	

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		considered that there were merits in forming NC by following the same framework of the four sectors of EC in order to enable balanced participation and facilitate the development of the capitalist economy of HKSAR.	
010609 - 011016	Chairman Dr CHIANG Lai-wan	Dr CHIANG Lai-wan considered that constitutional development should move forward rather than coming to a standstill. She considered that it was reasonable to require a person taking up the position of CE of HKSAR to "love the country and love Hong Kong". She believed that the electoral method could be further refined after the implementation of universal suffrage for the CE election in 2017.	
011017 - 011511	Chairman Mr WU Chi-wai Mr CHAN Chi-chuen Administration	<p>Given that there were some 40% respondents in various opinion polls who indicated strong objection to the Proposals, Mr WU Chi-wai called on the Administration to also assess the impact on Hong Kong if LegCo endorsed the Proposals. He considered that the Proposals should be vetoed.</p> <p>CS pointed out that if the Proposals were vetoed, not only would constitutional development come to a standstill, it would also be impossible to say when the "Five-step Process" could be initiated again to implement universal suffrage for the selection of CE. Forming LegCo by universal suffrage would also be deferred for years. Conversely, if the selection of CE by universal suffrage was implemented in 2017, the CE elected by universal suffrage and the HKSAR Government under his/her leadership would have the political mandate required to further take forward constitutional development, including the aim of electing all LegCo Members by universal suffrage. After the implementation of universal suffrage for the CE election through "one person, one vote" in 2017, the electoral method could be further refined, and would be developed in the light of the actual situation in HKSAR and progress in a gradual and orderly manner.</p>	
011512 - 012355	Chairman Ms Starry LEE Miss CHAN Yuen-han Administration	Ms Starry LEE considered that the general public should not be misled to think that rejecting the Proposals would stand a better chance to achieve universal suffrage of the CE election. She stressed that if the Proposals were vetoed, the method of selecting CE in 2012 would continue to apply	

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		<p>according to the 2014 Decision of NPCSC. Miss CHAN Yuen-han enquired whether the Central Authorities would give an assurance that the method for selecting CE could be further refined in order to solicit even greater support for the constitutional reform proposals.</p> <p>CS responded that regarding the issue of improving the universal suffrage system after its implementation, the provisions in Article 7 of Annex I to BL and the 2004 Interpretation of NPCSC already provided a clear legal basis for initiating such further amendments to the method for selecting the CE. CS further advised that whether there was a need to amend and initiate the relevant amendment procedures would have to be considered by the then CE in accordance with the actual situation prevailing at that time and in the light of the experience in implementing universal suffrage for the selection of CE.</p>	
012356 - 012825	Chairman Dr Helena WONG	<p>Dr Helena WONG opposed the Proposals which, in her view, would undermine the right to vote and the right to stand for election under BL 26 as voters would not be able to have a genuine choice and pan-democrats would not stand a chance to be a CE candidate. She considered it unacceptable that the Proposals, under the framework imposed by the 2014 Decision of NPCSC, had imposed additional requirements regarding the qualification requirements of a CE other than those stipulated in BL 44. Furthermore, she considered that the Proposals violated BL 45 as it did not provide that NC had to be a replica of EC. She stressed that she supported BL, but not the 2014 Decision of NPCSC.</p>	
012826 - 013246	Chairman Mr MA Fung-kwok Administration	<p>Mr MA Fung-kwok expressed support for the Proposals. In response to Mr MA's enquiry, the Administration advised that the Administration did not rule out the possibility of conducting public opinion polls as needed.</p> <p>Mr MA was concerned that local legislative amendments might still be required to deal with the situation where a CE-elect was not appointed by CPG regardless of whether or not the Proposals were endorsed by LegCo. The Secretary for Constitutional and Mainland Affairs advised that the Administration was examining the issue under</p>	

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		various scenarios and would deal with it in the context of local legislation.	
013247 - 013711	Chairman Mr CHUNG Kwok-pan Administration	<p>Mr CHUNG Kwok-pan considered that the Administration might consider giving an undertaking that it would enhance the representativeness of NC and broaden its electorate base in order to solicit greater public support for the Proposals.</p> <p>CS advised that the HKSAR Government noticed that there was no in-depth discussion, nor a clear consensus in society on the suggestions regarding the increase or change in the number of subsectors, the number of NC members returned by each subsector or expanding the electorate base of individual subsectors. Hence, if changes were hastily introduced, this would lead to even more controversies and would not be conducive to forging consensus in the community.</p>	
013712 - 014122	Chairman Dr Fernando CHEUNG	Dr Fernando CHEUNG criticized that the Proposals contained screening in the nomination procedures and would not allow voters to have a genuine choice.	
014123 - 014526	Chairman Mr Charles Peter MOK	Mr Charles Peter MOK expressed disappointment that no changes were proposed to enhance the representativeness of NC. He opposed the Proposals as he believed that the nomination process would be manipulated by the Central Authorities.	
014527 - 014934	Chairman Mr WONG Kwok-kin	Mr WONG Kwok-kin considered that a system that allowed Hong Kong people to elect CE, through "one person, one vote", was surely more democratic than the existing system under which the CE was elected by an EC comprising only 1 200 members.	
014935 - 015337	Chairman Mr CHAN Chi-chuen	Mr CHAN Chi-chuen opposed that the Proposals as they only gave Hong Kong people "fake universal suffrage".	
015338 - 015739	Chairman Ms Claudia MO	Ms Claudia MO criticized the arrangements made for the recent publicity activities on constitutional reform carried out by senior officials. She stressed that BL did not impose the requirement that a CE candidate had to "love the country and love Hong Kong".	

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015740 - 020207	Chairman Ms Emily LAU Dr Helena WONG Mr WONG Kwok-kin	Invitation of public views Meeting schedule	

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29 May 2015