

立法會
Legislative Council

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LC Paper No. CB(2)1678/14-15
(These minutes have been seen
by the Administration)

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

**Minutes of the second meeting
held on Thursday, 7 May 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 LEE Cheuk-yan
Hon James TO Kun-sun
Hon CHAN Kam-lam, SBS, 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 Ronny TONG Ka-wah, SC
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 IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-yea, GBS, JP
Hon Alan LEONG Kah-kit, SC
Hon WONG Yuk-man
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
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
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
Hon Dennis KWOK
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon SIN Chung-kai, SBS, JP
Hon IP Kin-yuen
Hon Martin LIAO Cheung-kong, SBS, JP
Hon TANG Ka-piu, JP
Dr Hon CHIANG Lai-wan, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen, BBS

Members absent : Hon Albert HO Chun-yan
Hon LEUNG Yiu-chung
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Cyd HO Sau-lan, JP
Hon Albert CHAN Wai-yip
Hon James TIEN Pei-chun, GBS, JP
Hon CHAN Han-pan, JP
Dr Hon Helena WONG Pik-wan
Dr Hon Elizabeth QUAT, JP
Hon CHUNG Kwok-pan

Public Officers attending : Mr Raymond TAM Chi-yuen
Secretary for Constitutional and Mainland Affairs

Mr Gordon LEUNG Chung-tai
Deputy Secretary for Constitutional and Mainland Affairs

Mr Freely CHENG Kei
Principal Assistant Secretary for Constitutional and
Mainland Affairs

Ms Roxana CHENG Pui-lan
Deputy Solicitor General (Constitutional)
Department of Justice

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

Mrs Fanny TSANG
Legislative Assistant (2) 3

Action

I. 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)]

1. The Subcommittee deliberated (index of proceedings attached at **Annex**).
2. The Subcommittee agreed to proceed to examine the draft motion concerning the amendment to the method for the selection of the Chief Executive (in Annex VIII to the Consultation Report and Proposals on the Method for Selecting the Chief Executive by Universal Suffrage) at the next meeting.

II. Any other business

3. There being no other business, the meeting ended at 10:40 am.

Council Business Division 2
Legislative Council Secretariat
9 June 2015

**Proceedings of the second meeting of the
Subcommittee on Proposals on
the Method for Selecting the Chief Executive in 2017
on Thursday, 7 May 2015, at 8:30 am
in Conference Room 1 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000736 - 000915	Chairman	Opening remarks	
000916 - 001327	Chairman Ms Emily LAU Administration	<p>Ms Emily LAU queried the Administration's claim that there was mainstream support in the community for the Administration's proposals on the method for selecting the Chief Executive ("CE") by universal suffrage ("the Proposals"). She called on the Hong Kong Special Administrative Region ("HKSAR") Government to reflect to the Central Authorities the demands of the public for the revocation of the Decision of the Standing Committee of the National People's Congress on 31 August 2014 ("2014 Decision of NPCSC"). She stressed that the public demanded the Administration to put forward a constitutional reform package which would give people a genuine choice.</p> <p>The Secretary for Constitutional and Mainland Affairs ("SCMA") advised that the Administration had been fully reflecting the views of the public to the Central Authorities.</p>	
001328 - 001821	Chairman Mr WONG Kwok-hing	Mr WONG Kwok-hing considered that the newspaper article by Mr ZHANG Xiao-ming, the Director of the Liaison Office of the Central People's Government ("CPG") in HKSAR, published on 4 May 2015 should be circulated to members for their reference.	
001822 - 002241	Chairman Dr CHIANG Lai-wan	Dr CHIANG Lai-wan stressed that the strong aspiration of Hong Kong people for implementing universal suffrage for the CE election in 2017 should be met.	
002242 - 002711	Chairman Mr IP Kwok-him Administration	<p>Mr IP Kwok-him urged the Administration to state clearly its position regarding some members' call for revoking the 2014 Decision of NPCSC.</p> <p>SCMA advised that such suggestions were legally and practically not workable, and were not</p>	

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		conducive to implementing universal suffrage for the selection of CE. He pointed out that the Proposals were formulated in strict compliance with the Basic Law ("BL") and the framework laid down by the 2014 Decision of NPCSC. The Administration considered that there was no room for amendment regarding the Proposals.	
002712 - 003116	Chairman Mr Jeffrey LAM	Mr Jeffrey LAM considered that debating over whether the Proposals were genuine or fake universal suffrage was meaningless. He considered that the design and establishment of any political structure had to have regard to the historical background of the relevant place with the constitutional basis of that place as the foundation. He agreed that the method for selecting CE by universal suffrage should strictly comply with BL and the relevant Decisions of NPCSC. He believed that the Central Authorities were fully aware of the public sentiments of the Hong Kong community.	
003117 - 003535	Chairman Mr Ronny TONG Administration	Mr Ronny TONG considered that the HKSAR Government should facilitate the dialogue and exchange between the pan-democratic camp and the Central Authorities in order to strive for the endorsement of the Proposals. SCMA advised that the HKSAR Government would follow up.	
003536 - 003941	Chairman Dr Priscilla LEUNG	Dr Priscilla LEUNG considered that people who opposed the 2014 Decision of NPCSC should not deny the fact that Hong Kong was not a sovereign state but a special administrative region of China. She considered that meetings with the Central Authorities would serve no purpose if the pan-democratic camp was not prepared to compromise. She believed that after CE was selected by universal suffrage through "one person, one vote" in 2017, the electoral method could be refined in future.	
003942 - 004312	Chairman Mr Christopher CHUNG	At the suggestion of Mr Christopher CHUNG, the Chairman directed that the Subcommittee would commence examination of the draft motion concerning the amendment to the method for the selection of CE at the next meeting.	
004313 - 004757	Chairman Mr TANG Ka-piu	Mr TANG Ka-piu considered that if the selection of CE by universal suffrage could be	

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		<p>implemented in 2017, the CE selected by universal suffrage and the HKSAR Government under his/her leadership would have the political mandate required to further take forward constitutional development and enhance governance in Hong Kong.</p>	
004758 - 005239	<p>Chairman Mrs Regina IP Administration</p>	<p>In response to Mrs Regina IP's views, SCMA agreed that Members belonging to the pan-democratic camp should strengthen their communication with the Central Authorities.</p>	
005240 - 005728	<p>Chairman Mr WU Chi-wai Administration</p>	<p>Mr WU Chi-wai highlighted that some 40% of the respondents in recent opinion polls opposed the Proposals, and urged the Administration to make concessions in order to secure endorsement of the Proposals by the Legislative Council ("LegCo"). He considered that if only "fake universal suffrage" was given, the CE so selected would not have the political mandate required to enhance the governance in Hong Kong and that political arguments and division in the society would just continue.</p> <p>SCMA said that the selection of CE by universal suffrage had its origin in BL, involved a major change in the political structure of HKSAR, and concerned the relationship between the Central Authorities and HKSAR. More efforts were required in order to build mutual trust.</p>	
005729 - 010409	<p>Chairman Mr LEE Cheuk-yan Administration</p>	<p>Mr LEE Cheuk-yan considered that the 2014 Decision of NPCSC was unlawful and violated BL. He opined that any constitutional reform proposal based on the restrictive framework imposed by the 2014 Decision of NPCSC would not allow people to have a genuine choice but would be "fake universal suffrage" only. He also believed that the CE selected under the current Proposals would not have the political mandate required to enhance governance in Hong Kong. He considered that under the proposed nomination procedures, the voters could only choose from candidates whose nomination process was completely controlled by the Central Authorities.</p> <p>SCMA pointed out that under the Proposals, persons meeting the statutory eligibility</p>	

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		requirements stipulated in BL 44 would enjoy an equal right and opportunity to seek nomination from the Nominating Committee ("NC").	
010410 - 010850	Chairman Miss CHAN Yuen-han Administration	<p>Miss CHAN Yuen-han asked what further efforts would be made by the Administration in order to narrow the gap in views and strive for the endorsement of the Proposals.</p> <p>SCMA said that the Proposals formulated by the Administration were in strict compliance with BL and the relevant Decisions of NPCSC. He said that after universal suffrage for the CE election was implemented in 2017, future refinements or improvements could still be sought in accordance with the constitutional procedures of the "Five-step Process" and at the local legislation level. The Administration considered that at this juncture, proposals involving certain adjustments to relevant subsectors would lead to even more controversies and would not be conducive to forging consensus in the community.</p>	
010851 - 011318	Chairman Ms Starry LEE Administration	Ms Starry LEE asked whether arrangement would be made for Members to meet with Central Authorities' officials. SCMA said that in the past year, the HKSAR Government had arranged Members of different political parties/affiliations to meet with Central Authorities as well as CPG officials stationed in Hong Kong. He said that the HKSAR Government would follow up if Members wished to have such a meeting.	
011319 - 011725	Chairman Mr NG Leung-sing	Mr NG Leung-sing called on Members belonging to the pan-democratic camp to support the Proposals to take an important step forward in the constitutional development of Hong Kong. He considered that only after universal suffrage was implemented for the selection CE in 2017 could Hong Kong accumulate relevant experience which could form a solid basis for future refinements.	
011726 - 012135	Chairman Mr LEUNG Che-cheung	Mr LEUNG Che-cheung considered that should Members belonging to the pan-democratic camp vote against the Proposals, they might run the risk of losing public support in the upcoming elections.	

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012136 - 012543	Chairman Mr Alan LEONG	Mr Alan LEONG opined that the Proposals which were formulated under the constraints of the 2014 Decision of NPCSC sought to make use of the votes of the five million eligible voters to legitimize the arrangement whereby only persons approved by the Central Authorities could stand as CE candidates.	
012544 - 012951	Chairman Mr Steven HO	Mr Steven HO considered that constitutional development was a gradual, evolving process. He believed that the electoral arrangements could be further improved after universal suffrage was implemented for the selection of CE in 2017.	
012952 - 013400	Chairman Mr WONG Kwok-kin	Mr WONG Kwok-kin stressed the Central Authorities' status and role in deciding the method for selecting CE of HKSAR. He considered that the selection of CE by way of universal suffrage through "one person, one vote" by all eligible voters in 2017 was definitely better than the existing system of nominating CE candidates and selecting CE all by the 1 200-member Election Committee.	
013401 - 013841	Chairman Mr WONG Yuk-man	Mr WONG Yuk-man criticized that Annex I to BL originally imposed a "Three-step Process" which consisted of only the endorsement of a two-thirds majority of all the Members of LegCo, the consent of CE, and the approval of NPCSC. The "Interpretation of Article 7 of Annex I and Article III of Annex II to the Basic Law" adopted by NPCSC in 2004, however, had added two more steps. He said that he would ask people to cast a blank vote in the CE election in 2017 if the Proposals were endorsed by LegCo.	
013842 - 014631	Chairman Mr CHAN Hak-kan Dr CHIANG Lai-wan	Mr CHAN Hak-kan and Dr CHIANG Lai-wan stressed that the opportunity of implementation of universal suffrage for the CE election in 2017 should not be missed.	
014632 - 015010	Chairman Mr Ronny TONG Administration	Mr Ronny TONG enquired whether Article 7 of Annex I to BL could be amended to provide greater certainty that there was a clear legal basis for initiating further amendments to the method for selecting CE. SCMA said that the draft amendments to Annex I to BL concerning the method for the selection of CE did not include any amendment to Article 7 of Annex I to BL.	

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		<p>In other words, the existing provision was to be retained. According to legal advice, Article 7 of Annex I to BL was a specific provision concerning the procedures for introducing amendments to the method for selecting CE stipulated in Annex I to BL. Hence, if Article 7 of Annex I to BL was to be amended, this might have to be pursued by invoking BL 159 and not by initiating the procedures under the "Five-step Process".</p>	
015011 - 015336	<p>Chairman Mrs Regina IP Administration</p>	<p>Mrs Regina IP considered that the Proposals complied with the requirements stipulated in the International Covenant on Civil and Political Rights ("ICCPR") as she noted that NC would not exclude any person from seeking nomination on the grounds of his/her political opinions.</p> <p>SCMA confirmed that under the Proposals, persons meeting the statutory eligibility requirements stipulated in BL 44 would enjoy an equal right and opportunity to seek nomination from NC. This complied with Article 25 of ICCPR which stipulated that every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2 of ICCPR, to take part in the conduct of public affairs and to vote and be elected in elections, and one of the distinctions mentioned in Article 2 of ICCPR were political or other opinion.</p>	
015337 - 015710	<p>Chairman Mr LEE Cheuk-yan</p>	<p>Mr LEE Cheuk-yan criticized that the Agriculture and Fisheries subsector had 60 seats while there were only 159 electors.</p> <p>Mr LEE recalled that in 1993, Mr LU Ping, the then Director of the Hong Kong and Macao Affairs Office, had openly stated that how Hong Kong would develop democracy was entirely a matter within the autonomy of Hong Kong and the Central Authorities would not interfere.</p>	
015711 - 020358	<p>Chairman Mr NG Leung-sing</p>	<p>Mr NG Leung-sing emphasized that there should be mutual trust between Members belonging to the pan-democratic camp and the Central Authorities.</p>	
020359 - 020706	<p>Chairman Mr Frederick FUNG</p>	<p>Mr Frederick FUNG asked if it was true that, even after universal suffrage was implemented for</p>	

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	Administration	the CE election in 2017, the retention or abolition of NC or changes to its composition still could not be dealt with by local legislation. SCMA said that NC was provided for in BL 45, and BL 159 would have to be invoked to amend BL 45. As regards the composition of NC, SCMA explained that for changes such as changing the number of subsectors or the number of members of each subsector, they were provided for by local legislation.	
020707 - 021013	Chairman Ms Claudia MO Administration	<p>Ms Claudia MO reiterated that in 1993, Mr LU Ping, the then Director of the Hong Kong and Macao Affairs Office, had openly stated that how Hong Kong would develop democracy was entirely a matter within the autonomy of Hong Kong and the Central Authorities would not interfere. She criticized that the 2014 Decision of NPCSC had imposed an additional eligibility requirement that a CE candidate had to "love the country and love Hong Kong", and such a requirement was not specified in BL.</p> <p>SCMA clarified that under the Proposals, there was no mention of a requirement of "loving the country and loving Hong Kong". As regards whether it was possible to seek refinements to the electoral method after CE was selected by way of universal suffrage through "one person, one vote" by all eligible voters in 2017, SCMA explained that should there be a need to amend the electoral method, Article 7 of Annex I to BL had already provided a clear legal basis for initiating such further amendments to the method for selecting CE. Whether or not there was a need to amend and to initiate the relevant amendment procedures would have to be considered by the then CE in accordance with the actual situation prevailing at that time.</p>	
021014 - 021034	Chairman Mr Abraham SHEK	Date of next meeting	