

**立法會**  
**Legislative Council**

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LC Paper No. CB(2)2166/14-15  
(These minutes have been seen  
by the Administration)

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

**Minutes of the third meeting  
held on Tuesday, 12 May 2015, at 2:30 pm  
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 James TO Kun-sun  
Hon CHAN Kam-lam, SBS, JP  
Hon LEUNG Yiu-chung  
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  
Hon Jeffrey LAM Kin-fung, GBS, JP  
Hon WONG Ting-kwong, SBS, JP  
Hon Ronny TONG Ka-wah, SC  
Hon Cyd HO Sau-lan, JP  
Hon Starry LEE Wai-king, 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 Alan LEONG Kah-kit, SC  
Hon Albert CHAN Wai-yip  
Hon Claudia MO  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon James TIEN Pei-chun, GBS, 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 MA Fung-kwok, SBS, JP  
Hon Charles Peter MOK, JP  
Hon CHAN Chi-chuen  
Dr Hon Kenneth CHAN Ka-lok  
Hon LEUNG Che-cheung, BBS, MH, JP  
Hon Alice MAK Mei-kuen, JP  
Dr Hon KWOK Ka-ki  
Hon KWOK Wai-keung  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Hon SIN Chung-kai, SBS, JP  
Dr Hon Helena WONG Pik-wan  
Hon IP Kin-yuen  
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** : Dr Hon LAU Wong-fat, GBM, GBS, JP  
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN  
Dr Hon LAM Tai-fai, SBS, JP  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Hon WONG Yuk-man  
Hon Gary FAN Kwok-wai  
Hon CHAN Han-pan, JP  
Hon CHAN Yuen-han, SBS, JP  
Hon Dennis KWOK  
Dr Hon Fernando CHEUNG Chiu-hung  
Dr Hon Elizabeth QUAT, JP

**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

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Action

**I. Meeting with the Administration**

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

1. The Subcommittee deliberated (index of proceedings attached at **Annex**).
2. The Administration introduced the draft motion concerning the amendment to the method for the selection of CE in Annex VIII of the Consultation Report and Proposals. To facilitate members' deliberation, a comparison table of relevant amendments to Annex I to the Basic Law was prepared by the Legal Service Division of the Legislative Council Secretariat for members' reference [LC Paper No. CB(2)1454/14-15(01)].
3. The Chairman reminded members that the next meeting would be held on 16 May 2015 at 9:00 am to receive views from deputations on the Administration's proposals on the method for selecting CE by universal suffrage.

**II. Any other business**

4. There being no other business, the meeting ended at 4:30 pm.

Council Business Division 2  
Legislative Council Secretariat  
30 September 2015

**Proceedings of the third meeting of the  
Subcommittee on Proposals on  
the Method for Selecting the Chief Executive in 2017  
on Tuesday, 12 May 2015, at 2:30 pm  
in Conference Room 1 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000528 - 001258	Chairman Administration Ms Claudia MO	Opening remarks  The Secretary for Constitutional and Mainland Affairs ("SCMA") introduced the draft motion concerning the amendment to the method for the selection of the Chief Executive ("CE") in Annex VIII of the Consultation Report and Proposals on the Method for Selecting CE by Universal Suffrage ("Consultation Report and Proposals").	
001259 - 002828	Chairman Mr Albert HO Mr LEE Cheuk-yan Ms Claudia MO Ms Cyd HO Administration	Some members asked whether the Administration would consider withdrawing its proposals on the method for selecting CE by universal suffrage ("the Proposals") given that the chance of passage of the Proposals by Legislative Council ("LegCo") was very slim. Mr LEE considered that the "Five-step Process" of constitutional reform should be reactivated.  SCMA stressed that the Proposals complied with the relevant provisions of the Basic Law ("BL") and the Decision of the Standing Committee of the National People's Congress ("NPCSC") on 31 August 2014 ("2014 Decision of NPCSC"), so as to fully implement the principle of "one country, two systems" and to be consistent with the Hong Kong Special Administrative Region's ("HKSAR") constitutional status as a local administrative region coming directly under the Central People's Government. The Administration had no plan to amend or withdraw the Proposals.	
002829 - 003335	Chairman Mr SIN Chung-kai Administration	Mr SIN Chung-kai asked about the procedures involved if changes were to be made to the draft motion. SCMA responded that according to the Interpretation by NPCSC of Article 7 of Annex I to BL on 6 April 2004, the bills on the amendments to the method for selecting CE and the proposed amendments to such bills should be	

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		introduced by HKSAR Government into LegCo. The relevant notice requirement in accordance with the Rules of Procedure would be observed in moving such bills, if any.	
003336 - 003741	Chairman Mr CHAN Kam-lam	Mr CHAN Kam-lam considered that there was no specific international model for universal suffrage and the universal suffrage system commonly adopted overseas was a one-person-one-vote system. In his view, Members belonging to the pan-democratic camp should vote for the Proposals so that the constitutional development of Hong Kong could move forward rather than coming to a standstill.	
003742 - 004158	Chairman Mr IP Kwok-him Administration	Mr IP Kwok-him suggested that the Administration might consider giving some concessions by way of local legislation, on the premise that BL and the 2014 Decision of NPCSC must be complied with, in order to secure support of Members belonging to the pan-democratic camp for the Proposals.  SCMA explained the areas to be dealt with by local legislation as set out in Chapter 4 of the Consultation Report and Proposals.	
004159 - 004604	Chairman Mr Albert CHAN	Mr Albert CHAN criticized that the publicity efforts made by the Administration failed to solicit greater public support according to the results of recent opinion polls.	
004605 - 005025	Chairman Mr CHUNG Kwok-pan Administration	Mr CHUNG Kwok-pan suggested that the Administration might give an undertaking that it would make proposals to enhance the representativeness of the nominating committee ("NC") and broaden its electorate base after achieving universal suffrage for the selection of CE in 2017. He proposed setting up a platform to discuss constitutional development subsequent to the year 2017. SCMA advised that the Administration did not have such a plan at present.	
005026 - 005437	Chairman Mr Jeffrey LAM Administration	Mr Jeffrey LAM asked whether the Administration would make arrangements for Members to meet with the Central Authorities' officials again for exchange of views. SCMA responded that the HKSAR Government would	

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		follow up if Members wished to have such a meeting.	
005438 - 005920	Chairman Mr Alan LEONG	Mr Alan LEONG said that in the 2012 LegCo election, all Members belonging to the pan-democratic camp had pledged that they would strive for achieving genuine universal suffrage. He called on the Administration to put forward proposals not bound by the restrictive framework imposed by the 2014 Decision of NPCSC.	
005921 - 010405	Chairman Mr Paul TSE Administration	Mr Paul TSE considered that the design and establishment of any political structure had to have regard to the historical background of the relevant place, and with the constitutional basis of that place as the foundation. In response to Mr TSE's enquiry on the publicity efforts made by the Administration, SCMA said that during the first and second rounds of public consultation in the past 16 months, the Task Force on Constitutional Development had attended a total of over 200 and 88 consultation sessions/forums as well as district visits. The Administration would continue to reach out to local districts to solicit support for the Proposals.	
010406 - 012304	Chairman Dr KWOK Ka-ki Administration Mr Albert HO Mr Alan LEONG Dr KWOK Ka-ki Mr CHAN Kam-lam Ms Cyd HO	Some members pointed out that the total number of voters for the First Sector of the Election Committee ("EC") (which took up 300 seats) was only about 26 000, which was even less than the number of votes obtained by any one of the incumbent LegCo Members returned by the geographical constituency election. They also criticized the Administration for not considering the so-called "blank-vote gate-keeping option", which would in effect enable voters to reject the candidates nominated by NC.	
012305 - 012733	Chairman Dr CHIANG Lai-wan	Dr CHIANG Lai-wan called on the Administration to step up publicity on the arrangements introduced in the Proposals aiming to make the electoral process more competitive. She also suggested that consideration might be given to adding new subsectors (such as Women and Youth subsectors) so as to enhance the representativeness of NC.	

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012734 - 013043	Chairman Mr CHUNG Kwok-pan Administration	<p>Mr CHUNG Kwok-pan reiterated that the Administration should continue to promote discussion of the issue of universal suffrage (e.g. improving the composition and formation method of the NC for CE elections) in the community through a multi-lateral platform.</p> <p>In response to members' concern, SCMA explained that Article 7 of Annex I to BL and the "Five-step Process" of constitutional development set out in the 2004 Interpretation had provided the legal basis for initiating further amendments to the method for selecting CE in future.</p>	
013044 - 013617	Chairman Mr WU Chi-wai Administration	<p>Mr WU Chi-wai stressed that there should not be any unreasonable restrictions on the nomination of CE candidates. However, the Proposals, in his view, would only allow persons who were favoured by the Central Authorities to become CE candidates.</p> <p>Mr WU enquired how the Administration would take forward the universal suffrage for the LegCo election in 2020 if universal suffrage for the CE election was implemented in 2017. SCMA explained that the specific method of electing all Members by universal suffrage would be formulated in accordance with the "Five-step Process" of constitutional development. Besides, it would be for the CE who was elected by universal suffrage to deal with the universal suffrage model for LegCo.</p>	
013618 - 014025	Chairman Ms Emily LAU Administration	<p>Ms Emily LAU considered that the Proposals, based on the framework laid down by the 2014 Decision of NPCSC, failed to give Hong Kong people genuine universal suffrage. She cited the view expressed by Mr LAM Woon-kwong, Convenor of the Executive Council, that under the Proposals, no one from the pan-democratic camp could take part in the 2017 CE election, and they could at most only be "Kingmakers", voting for one of the candidates from the pro-establishment camp.</p> <p>SCMA explained that under the Proposals, persons meeting the eligibility requirements stipulated in BL 44 shall enjoy an equal right and opportunity to seek nomination by NC. He</p>	



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		<p>stressed that whether or not a person could secure nomination by NC would entirely depend on his or her political strength as there was no additional eligibility requirement other than those set out in BL 44. SCMA explained that under the Proposals, a person seeking nomination, irrespective of his/her political affiliation, would have to appeal to the NC members for their support of his/her electoral platform, and the candidate must demonstrate that he/she was able to respond to the aspirations of the public and able to meet the needs of various sectors.</p>	
014026 - 014441	<p>Chairman Mr CHAN Chi-chuen Administration</p>	<p>Mr CHAN Chi-chuen considered that the Proposals failed to gain wide public support as reflected in the latest opinion polls conducted by three universities. He pointed out that the number of respondents in support of the Proposals was only 3% higher than the number of those who opposed the Proposals. He requested the Administration to reconsider the "blank-vote gate-keeping option". SCMA responded that the option was not widely discussed nor accepted in the community during the consultation period.</p>	
014442 - 014936	<p>Chairman Mr Michael TIEN</p>	<p>Mr Michael TIEN emphasized that a system that allowed Hong Kong people to elect the CE-elect, through "one person, one vote", was surely more democratic than the existing system whereby the CE-elect was only elected by the 1 200-member EC. He urged the Administration to step up publicity work through various channels.</p>	
014937 - 015603	<p>Chairman Mr Abraham SHEK Mr Paul TSE</p>	<p>Mr Abraham SHEK considered that the 2014 Decision of NPCSC was a very important milestone which had provided a clear direction for taking forward Hong Kong's constitutional development. Mr Paul TSE took the view that electoral arrangements could be further improved after universal suffrage was implemented for the selection of CE in 2017.</p>	
015604 - 020024	<p>Chairman Mr LEE Cheuk-yan Mr WU Chi-wai</p>	<p>Mr LEE Cheuk-yan considered that the Central Authorities had controlled 80% of EC members. He believed that the Central Authorities would continue to do so with the future NC since the size, composition and formation method of NC shall be in line with those of the EC of the fourth term CE election. Mr WU Chi-wai took the</p>	

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		view that screening by NC was to prevent contenders with dissenting views from running for the CE election, and to ensure that voters could only choose from amongst candidates who were favoured by the Central Authorities.	
020025 - 020054	Chairman	Date of next meeting  Closing remarks	

Council Business Division 2  
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30 September 2015