

立法會
Legislative Council

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LC Paper No. CB(2)2081/14-15
(These minutes have been seen
by the Administration)

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

**Minutes of the seventh meeting
held on Tuesday, 26 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 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 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 Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Alan LEONG Kah-kit, SC
Hon Albert CHAN Wai-yip
Hon WONG Yuk-man
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 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
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
Hon Dennis KWOK
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
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 Albert HO Chun-yan
Hon LEUNG Yiu-chung
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon Ronny TONG Ka-wah, SC
Dr Hon LAM Tai-fai, SBS, JP
Hon Frankie YICK Chi-ming
Dr Hon Fernando CHEUNG Chiu-hung
Hon SIN Chung-kai, SBS, 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

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)]

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

2. The Subcommittee commenced clause-by-clause examination of the draft motion concerning the amendment to the method for the selection of the Chief Executive (Annex VIII to the Consultation Report and Proposals on the Method for Selecting the Chief Executive by Universal Suffrage).

3. The Subcommittee completed examining the draft amendments to Articles 1 to 3 of Annex I to the Basic Law.

4. Members noted that the next meeting was scheduled for Tuesday, 2 June 2015, at 10:45 am.

II. Any other business

5. There being no other business, the meeting ended at 4:33 pm.

**Proceedings of the seventh meeting of the
Subcommittee on Proposals on
the Method for Selecting the Chief Executive in 2017
on Tuesday, 26 May 2015, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
001022 - 001458	Chairman Administration	Opening remarks	
001459 - 001902	Chairman Dr KWOK Ka-ki Administration	<p><u>Examination of the draft motion concerning the amendment to the method for the selection of the Chief Executive</u></p> <p><i>Article 1 of Annex I to the Basic Law ("BL")</i></p> <p>The Secretary for Constitutional and Mainland Affairs ("SCMA") explained that the proposed Article 1 of Annex I to BL was drafted on the basis of the existing provision of BL 45 and the Decision of the Standing Committee of the National People's Congress on 31 August 2014 ("2014 Decision of NPCSC").</p>	
001903 - 002333	Chairman Ms Cyd HO Administration	<p>Ms Cyd HO considered that the electorate base of the Nominating Committee ("NC") should be substantially expanded. She pointed out that the total number of voters for the First Sector (which took up 300 seats of the Election Committee ("EC")) was only about 26 000, which was even less than the number of votes obtained by any incumbent Legislative Council ("LegCo") Member returned by the geographical constituency election. She questioned whether it was justified to allocate 25% of the total number of seats of EC (and of the future NC) to the First Sector, thus allowing the business sector to have excessive influence in EC (and in the future NC). SCMA responded that in the absence of sufficient support in the community and clear consensus within the various subsectors, introducing major adjustments to the electorate base of the various subsectors might lead to even more controversies.</p>	
002334 - 002739	Chairman Mr WONG Kwok-hing	Mr WONG Kwok-hing considered that the Administration's proposals on the method for selecting the Chief Executive ("CE") by universal	

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		suffrage ("the Proposals") conformed to the principle of gradual and orderly progress and befitted the legal status of Hong Kong as a special administrative region of the People's Republic of China.	
002740 - 003146	Chairman Ms Claudia MO	Ms Claudia MO considered that if the Proposals were "pocketed first", the Central Authorities and the Hong Kong Special Administrative Region ("HKSAR") Government would consider that the aim to implement universal suffrage as prescribed in BL 45 had been achieved and they would not see any need to improve the universal suffrage system beyond 2017.	
003147 - 003549	Chairman Mr LEE Cheuk-yan	Mr LEE Cheuk-yan criticized that the composition of NC was not broadly representative and the Proposals formulated based on the framework of the 2014 Decision of NPCSC would only give Hong Kong people "fake universal suffrage".	
003550 - 004013	Chairman Mr Albert CHAN	Mr Albert CHAN raised questions regarding the Chairman's ruling made at the Subcommittee meeting held on 23 May 2015.	
004014 - 004421	Chairman Mr WU Chi-wai Administration	Mr WU Chi-wai considered that the Proposals formulated under the restrictive framework of the 2014 Decision of NPCSC would not allow voters to have a genuine choice. Hence, Members belonging to the pan-democratic camp had pledged to vote down any constitutional reform proposals based on the framework of the Decision. He pointed out that the Agriculture and Fisheries Subsector with only 159 corporate votes was to return 60 EC members. SCMA explained that the number of subsectors, the number of members of each subsector, and the method for returning EC members in each subsector were all prescribed by local legislation. He reiterated the Administration's stance on these matters as set out in paragraph 3.08 of the Consultation Report and Proposals on the Method for Selecting the Chief Executive by Universal Suffrage.	
004422 - 005526	Chairman Mr Alan LEONG Dr KWOK Ka-ki	Mr Alan LEONG expressed concern that the proposed Article 1 of Annex I to BL stipulated that "Starting from 2017, the Chief Executive	

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	Administration	<p>shall...". He asked why the Administration did not adopt the drafting approach for the 2010 amendments to Annex I to BL ("2010 amendments") and revise the wording as "The fifth term Chief Executive in 2017 shall...". He considered that his proposed wording would better address the public concern that the Proposals, once accepted, would not be able to be changed and no refinements could be sought after 2017. SCMA explained that the expression "Starting from 2017" was based on the relevant wording of the 2014 Decision of NPCSC. The 2014 Decision of NPCSC provided, among others, that "Starting from 2017, the selection of the Chief Executive of the Hong Kong Special Administrative Region may be implemented by the method of universal suffrage."</p>	
005527 - 005957	Chairman Mr KWOK Wai-keung Administration	<p>Mr KWOK Wai-keung considered that under the Proposals, NC would only have the power to nominate while the CE-elect would be elected by the five million eligible voters. He expressed support for the implementation of universal suffrage for the CE election through "one person, one vote" in 2017, so that constitutional development would move forward rather than coming to a standstill.</p> <p>In response to Mr KWOK's enquiry, SCMA pointed out that the current amendments did not include any amendment to Article 7 of Annex I to BL. In other words, Article 7 was to be retained and would remain in force.</p>	
005958 - 010404	Chairman Dr Helena WONG Administration	<p>Dr Helena WONG considered that the Administration should come up with proposals to expand the electorate base of NC in order to lobby for support of Members belonging to the pan-democratic camp for the Proposals.</p> <p>SCMA advised that the Proposals complied with the relevant provisions of BL and the 2014 Decision of NPCSC. He said that apart from incorporating the features made in the 2014 Decision of NPCSC into the Proposals, efforts had been made to introduce certain arrangements in the Proposals to make the electoral process more competitive and to enable people of different political backgrounds to stand a higher</p>	

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		chance of being nominated to become CE candidates.	
010405 - 010811	Chairman Ms Cyd HO Administration	Ms Cyd HO considered that the Administration should try their best to convince Members returned by functional constituency elections to accept expanding the electorate base of NC. SCMA pointed out that if the selection of CE by universal suffrage could be 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.	
010812 - 011416	Chairman Dr CHIANG Lai-wan Mr Paul TSE Administration	SCMA explained that if the motion concerning the amendment to the method for the selection of CE was endorsed by a two-thirds majority of all LegCo Members, received the consent of CE, and was approved by NPCSC, it would become an integral part of Annex I to BL.	
011417 - 011824	Chairman Dr Priscilla LEUNG	Dr Priscilla LEUNG considered that there were merits in forming NC by following the same framework of the four sectors of EC in order to strike a balance among the interests of all sectors and ensure the preservation of the capitalist system in Hong Kong. She considered that NC sought to manifest representation of the interests of different sectors in Hong Kong and ensure that CE selected by universal suffrage should meet the overall interests of Hong Kong.	
011825 - 012230	Chairman Mr NG Leung-sing	Mr NG Leung-sing considered that a broadly representative NC 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 and have cross-sectoral support.	
012231 - 012652	Chairman Administration	<i>Articles 2 and 3 of Annex I to BL</i>	
012653 - 013302	Chairman Dr CHIANG Lai-wan Administration	In view of the restrictions imposed under the 2014 Decision of NPCSC, Dr CHIANG Lai-wan requested the Administration to explain which areas could be dealt with in the context of local legislation. SCMA explained that the number of subsectors, the number of members of each	

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		<p>subsector, and the method for returning EC members in each subsector were all prescribed by local legislation. Nevertheless, the Administration proposed that at the stage of amending local legislation, the method for selecting members of the 38 subsectors should remain unchanged, and the electorate base of the 38 subsectors should remain largely unchanged with only necessary technical amendments to be made.</p>	
013303 - 013955	<p>Chairman Mr Christopher CHUNG</p>	<p>Mr Christopher CHUNG considered that the formation of NC, by following the current composition of EC, would ensure that the candidates to be nominated and the CE-elect would be able to represent the interests of different sectors of the community and have cross-sectoral support.</p>	
013956 - 014500	<p>Chairman Mr Frederick FUNG Administration</p>	<p>Mr Frederick FUNG pointed out that the 1 200-member EC was returned by only fewer than 250 000 voters, and a few hundreds of seats in EC were returned by corporate votes only. He said that the Administration had not taken any measure to enhance the representativeness of NC. In his view, this was against the principle of gradual and orderly progress. He urged the Administration to come up with proposals to expand the electorate base of NC by way of local legislation.</p> <p>SCMA advised that regarding the electorate base of the subsectors, the Administration considered that in the absence of sufficient support in the community and clear consensus within the various subsectors, introducing major adjustments to the electorate base of the various subsectors might not be practicable, and might lead to even more controversies and would not be conducive to forging consensus and securing support from LegCo Members to implement universal suffrage for the selection of CE in 2017.</p>	
014501 - 015407	<p>Chairman Mr LEUNG Che-cheung Mr Jeffrey LAM</p>	<p>Mr LEUNG Che-cheung expressed the view that replacing the corporate votes with individual votes should be considered carefully as it might involve major changes to the nature of the subsectors concerned. Mr Jeffrey LAM expressed the view that if the corporate votes</p>	

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		<p>were replaced with directors' votes, problems would arise as corporate directors might include independent non-executive directors, who would not personally take part in the day-to-day operation of the company. He considered that adequate discussion should be conducted with the industrial and commercial sectors. In the absence of consensus with the stakeholders concerned, no changes should be made.</p>	
015408 - 015844	<p>Chairman Mr LEE Cheuk-yan Administration Assistant Legal Adviser</p>	<p>In response to Mr LEE Cheuk-yan's enquiry, SCMA explained that according to the 2014 Decision of NPCSC and the 2004 Interpretation by NPCSC, if the specific method for selecting CE by universal suffrage was not adopted in accordance with legal procedures, the method used for selecting CE in 2012 would continue to apply.</p>	
015845 - 020419	<p>Chairman Dr Helena WONG Mr Christopher CHUNG Administration</p>	<p>The Administration's further explanation of the composition and formation method of NC under the Proposals.</p>	
020420 - 020443	<p>Chairman</p>	<p>Closing remarks</p>	