

**Statement by the Chief Secretary for Administration  
on the Consultation Report and Proposals on the Method for  
Selecting the Chief Executive by Universal Suffrage  
at the Legislative Council Sitting on 22 April 2015**

Mr President,

Today, the Government of the Hong Kong Special Administrative Region (HKSAR) has published the Consultation Report and Proposals on the Method for Selecting the Chief Executive by Universal Suffrage (Consultation Report and Proposals). I would like to brief Legislative Council (LegCo) Members on its contents.

**Public Consultation Exercise**

2. Implementing universal suffrage for the selection of the Chief Executive (CE) in 2017 is the most important policy objective of the current term of the HKSAR Government. The CE has emphasised on many occasions that selecting the next-term CE through “one person, one vote” in 2017 by five million eligible voters for the first time in our history is not only a big step forward for Hong Kong’s constitutional development, but also a historic moment for our country. As such, the CE and the HKSAR Government will do our utmost to complete this task with the greatest determination and sincerity, so as to implement universal suffrage for the selection of the CE as desired by the public, as scheduled and in accordance with the law.

3. On 7 January this year, the HKSAR Government published the Consultation Document on the Method for Selecting the Chief Executive by Universal Suffrage (Consultation Document) and launched a two-month public consultation on the method for selecting the CE by universal suffrage in 2017. The consultation period ended on 7 March. In strict compliance with the Basic Law, the design principles of the political structure of the HKSAR prescribed in the Basic Law, and the framework set out in the Decision of the Standing Committee of the National People’s Congress on 31 August 2014 (8.31 Decision), the Consultation Document sought public views on the key issues regarding the selection of the CE by universal suffrage.

4. During the consultation period, the Task Force on Constitutional Development (Task Force) led by me conducted an extensive consultation through different channels to collect views from the LegCo, District

Councils, as well as organisations and individuals from different sectors of the community. Apart from meeting different political parties and groups and attending forums and seminars held by organisations from different sectors to exchange views on constitutional development issues, members of the Task Force also visited a number of districts to listen directly in person to public views.

5. During the two-month consultation period, we attended a total of 88 consultative sessions and district activities, and received over 130 000 written submissions from different organisations and individuals. The HKSAR Government also takes note of the fact that some academic, non-governmental and media organisations conducted relevant opinion polls during the consultation period. On behalf of the HKSAR Government, I would like to express our gratitude to all members of the public and the various sectors of community for their valuable views.

6. The HKSAR Government has collated and summarised the views received, details of which are set out in the Consultation Report. All written submissions and relevant opinion polls have been included in the Appendices and uploaded onto the constitutional development website ([www.2017.gov.hk](http://www.2017.gov.hk)) for public inspection.

### **Social Atmosphere and Political Environment**

7. Mr President, before I explain the key contents of the Consultation Report and Proposals, I would especially like to highlight an objective fact that stands out among all the views received from December 2013 when the first round public consultation was launched, up till the end of the second round public consultation, and from the first-hand experience of Task Force members' direct communication with the public and various sectors of the community. This fact is that: the community at large has all along been eagerly looking forward to the smooth implementation of universal suffrage for the selection of the CE in 2017. This is a widely held aspiration in society which has been consistently reflected in various opinion polls.

8. Another important objective fact we should not overlook is that the selection of the CE by universal suffrage has its origins in the Basic Law, involves a major change in the political structure of the HKSAR, and concerns the relationship between the Central Authorities and the HKSAR. Therefore, we must strictly comply with the "one country, two systems" principle, the relevant Basic Law stipulations, and the constitutional and legal position of the HKSAR when devising the

method for selecting the CE by universal suffrage. These constitutional requirements also reflect the Central Authorities' status and role in deciding the method for selecting the CE.

9. Although members of the public have the common aspiration of selecting the CE by universal suffrage, and the Basic Law provides the basis for the universal suffrage method, the discussions in the community on constitutional development over the past year or so still led to controversies. As a pluralistic and open society, we understand there will be divergent views on issues concerning constitutional development. However, for constitutional development to move forward, we must seek common ground, set aside our differences and strive for consensus. The work of the HKSAR Government is to formulate, in strict accordance with the law, a package of proposals for selecting the CE by universal suffrage that is constitutionally and legally in order, fair and reasonable, and at the same time take heed of factors including political realities and actual operation, to strive for universal suffrage through "one person, one vote" in 2017 as scheduled. This has been the working target of the Task Force over the past year or so.

10. Mr President, before the launch of the second round public consultation, some political parties, LegCo Members, and individual groups had expressed opposition to the 8.31 Decision. They demanded the Decision be revoked, to restart the "Five-step Process", and then boycotted the second round consultation. Despite the Task Force's repeated appeals to such political parties, LegCo Members and groups urging them not to boycott the consultation, no positive response has been received. Today, we sincerely put forth specific proposals that have been formulated on the basis of public aspirations as well as the overall and long-term interests of the Hong Kong community. I sincerely hope that the Members concerned can abandon their passive attitude, and work with the HKSAR Government and the public to implement a fair, open, just and transparent system for selecting the CE by universal suffrage. I believe this is what the general public expects of our legislators. As a matter of fact, our constitutional development has reached a critical juncture. Whether our constitutional development can move forward or will suffer a standstill is now in the hands of every LegCo Member. Since the Basic Law gives each Member the constitutional power to examine the proposals put forth by the Government, Members should therefore shoulder this constitutional responsibility. This is a call made on you by this era, and it is history which places this responsibility on your shoulders.

## **Principles and Considerations on the Proposals on the Method for Selecting the Chief Executive by Universal Suffrage**

11. Mr President, I will now introduce the specific proposals put forth by the Government. First of all, I would like to give an account of the principles and factors that the HKSAR Government has fully considered in considering various issues relating to the method for selecting the CE by universal suffrage:

- (i) firstly, as the HKSAR Government has repeatedly emphasised, the proposals comply with the relevant provisions of the Basic Law and the 8.31 Decision, so as to fully implement the principle of “one country, two systems” and to be consistent with the HKSAR’s constitutional status as a local administrative region coming directly under the Central People’s Government;
- (ii) secondly, the proposals comply with the four major principles on the design of the HKSAR’s political structure, namely, meeting the interests of different sectors of the society, facilitating the development of the capitalist economy, gradual and orderly progress, and being appropriate to the actual situation in the HKSAR;
- (iii) thirdly, the proposals are practical and practicable in terms of actual operation, transparent, and also help ensure that elections can be conducted in an open, fair and impartial manner;
- (iv) fourthly, the proposals could respond to the strong aspiration of the different sectors of the society to implement universal suffrage for the selection of the CE as scheduled, and to allow Hong Kong’s constitutional development to move forward, instead of having a standstill; and
- (v) fifthly, the proposals could serve to strike a balance amongst the various different views and opinions in the society, to secure acceptance by a majority of the public, the LegCo, the CE, as well as the Central Authorities, so that the aim of selecting the CE by universal suffrage could be attained.

12. We can say that the proposals put forward by the Government are constitutional, lawful, fair and reasonable. We sincerely hope that we can have the support of the general public and LegCo Members.

## **Composition and Formation Method of the Nominating Committee**

13. Mr President, according to the Basic Law and the framework as set out in the 8.31 Decision, the number of members of the Nominating Committee (NC) remains 1 200 and shall follow the current composition of the Election Committee (EC) with members from four major sectors in equal proportions. On such premises, any changes to the number of subsectors would inevitably require the adjustment of the number of members in certain existing subsectors. The HKSAR Government notices that there is no heated 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 are hastily introduced, this would lead to even more controversies and would not be conducive to forging consensus in the community.

14. In view of the above, regarding the composition and formation method of the NC, we **suggest** that the composition of the 1 200-member NC should follow the 38 subsectors in the four major sectors of the existing EC; the subsectors of the NC and the number of members of each subsector should remain unchanged. Further, at the stage of amending the local legislation, we will **suggest** that the method for selecting the members of the 38 subsectors should remain unchanged and the electorate base of the 38 subsectors should remain largely unchanged; and that only necessary technical amendments will be made.

### **Procedures for the Nominating Committee to Nominate Chief Executive Candidates**

15. When the selection of the CE is implemented by the method of universal suffrage, the NC will nominate CE candidates as an institution in accordance with democratic procedures, and such an arrangement will be different from the current arrangement whereby CE candidates are nominated jointly by members of the EC. In designing the nominating procedures, we have to ensure that each NC member will have equal rights, and that persons meeting the statutory eligibility requirements shall enjoy an equal right and opportunity to seek nomination from the NC.

16. The operation of the NC should be transparent, so that persons seeking nomination would have equal and adequate opportunities to explain their manifestoes and missions to all the members of the NC or even the public.

17. Hence, regarding the procedures for the NC to nominate CE candidates, we **suggest** that the nominating procedures should be divided into two stages, namely the stage of “members recommendation” and the stage of “committee nomination”. Besides, we may consider providing a secretariat for the NC to provide relevant reference materials, so as to assist the NC to conduct the nominating procedures smoothly and in accordance with the law. Such suggestions could be handled through administrative arrangements, without the need for legislative amendments and can be dealt with at a later stage.

18. At the stage of “members recommendation”, we consider that a threshold lower than the existing requirement of nominations jointly by 150 EC members should be adopted, so as to encourage more interested persons to come forward to seek nomination. That said, there should not be too many persons seeking nomination, so as to avoid the public being confused, and to ensure that the recommendation process will be conducted in an effective and orderly manner. Therefore, we **suggest** that a person who can obtain recommendation jointly by 120 NC members in their individual capacities could become a member seeking nomination for the CE election. Besides, to allow more interested persons to participate in the election, and to provide the NC with more choices, we specifically **suggest** that each NC member may recommend only one person and each person seeking nomination should obtain no more than 240 recommendations. The upper limit on the recommendations each person seeking nomination should obtain is new when compared with the existing arrangement. This means that the system could allow at least five and at most ten places for persons seeking nomination.

19. During the stage of “committee nomination”, since the NC will nominate two to three candidates and those two to three candidates are required to obtain endorsement of more than half of all the members of the NC, the design of the nominating procedures has to be conducive to providing sufficient choices for the NC, and at the same time can facilitate the NC nominating two to three candidates smoothly. As such, in the Consultation Document, the HKSAR Government put forward four different voting procedures at the stage of “committee nomination” for consideration, namely, the “one person, three votes”, “one person, two to

three votes”, “one person, maximum three votes”, and “voting on each person seeking nominations”.

20. The HKSAR Government **suggests** that the NC should nominate two to three CE candidates through voting by secret ballot so that members could consider each person seeking nomination and such persons could seek nominations from NC members on a fairer basis. Each NC member may vote for all persons seeking nomination, or vote for only some of such persons. To facilitate the NC to better carry out the nominating function, so that all eligible voters in Hong Kong may have ample choices at the stage of universal suffrage, and to ensure the nominating procedures could smoothly select two to three candidates who can obtain the endorsement of more than half of all the NC members, each member should support at least two persons seeking nomination. The three persons seeking nomination who could obtain endorsement of more than half of all the members of the NC and with the highest number of members’ endorsement (or the two persons seeking nomination if only two such persons could meet these requirements) will become the candidates. Specific procedures for handling situations where no person, only one person, or more than three persons seeking nomination could obtain endorsement of more than half of all the NC members will be dealt with by local legislation.

### **Voting Arrangements for Universal Suffrage**

21. At the stage of electing the CE by universal suffrage, all five million eligible electors of Hong Kong may elect the CE-elect from the two to three candidates nominated by the NC through “one person, one vote”. In considering different voting systems, we have to consider whether the system is conducive to electing a person who is accepted by the community, whether it is practical in terms of actual operation, and whether it is simple, easy to understand, would enable voters to express clearly their voting intentions, and require less time and resources for holding an election because this is more helpful to the actual operation of the CE election process which already involves a number of procedures (including voter registration, formation of the NC, the stage of recommendation, the stage of nomination, the stage of universal suffrage, etc.).

22. Regarding the voting arrangements for universal suffrage, the HKSAR Government **suggests** that all eligible electors of Hong Kong will elect the CE-elect from the two to three candidates nominated by the NC using the “first-past-the-post” system, i.e., only a single round of

voting will be held, without requiring the candidate returned to obtain more than half of the total number of valid votes. Unmarked ballot papers will continue to be treated as invalid ballots. This recommendation does not involve amendments to Annex I to the Basic Law, and the specific voting method will be prescribed by local legislation.

### **Other Related Issues**

23. Besides, we **recommend** that the term of office of the NC should follow the existing arrangement of the EC, i.e., a five-year tenure. Since the term of office of the NC is five years, in the event the office of CE becomes vacant as the concerned CE fails to serve the full term of office of five years as prescribed by Article 46 of the Basic Law, we **suggest** that the existing arrangement shall continue to be adopted, i.e., the term of office of the new CE shall be the remainder of the previous CE.

24. Regarding the re-election arrangements if the CE-elect were not appointed, when amending the local legislation, the HKSAR Government will consider how to deal with the issue in response to the Central People's Government's appointment decision.

25. To sum up, these proposals by the HKSAR Government are in strict compliance with the Basic Law and the relevant decisions of the Standing Committee of the National People's Congress (NPCSC). At the same time, they fully take into account the views expressed by various sectors of the community and have been analysed in detail from different angles. Constitutional development is a complex and controversial issue. It is neither practicable nor realistic to expect that one package of proposals can meet the ideals cherished by different people. The elements contained in our proposals are attempts to find the greatest common ground and strike the right balance amongst numerous divergent requests and perspectives.

26. As I have reiterated many times in the past, even though the 8.31 Decision provides the "legal space" for us to explore the specific arrangements for the selection of the CE by universal suffrage at the local legislation level, the reality is whether we can secure the largest "political space" and forge the biggest political consensus during the process of devising the specific proposals. People from different political spectrums and different stakeholders in the community hold very different positions and divergent views on certain issues. It is very difficult to narrow these differences. I am pleased to see that in the past

two months of public consultation, some thoughtful persons have devoted much effort and put forth some creative suggestions for the community to discuss, with a view to narrowing the gap between people of different political convictions. Although their suggestions did not in the end gain support from different political parties and groups, and the Government could not adopt these suggestions, I would like to take this opportunity to express my heartfelt gratitude for their unflinching efforts. In the coming few months, we still need their continued support to take forward implementation of the selection of the CE by universal suffrage in 2017.

27. To successfully implement the selection of the CE by universal suffrage in 2017 so that five million eligible voters will be able to select the CE by universal suffrage through “one person, one vote”, we must secure the endorsement of our proposals by a two-thirds majority of all LegCo Members. The HKSAR Government has put forward the specific proposals today. We hope that the LegCo would start examining the proposals as soon as possible with a view to completing the voting procedures before the LegCo’s recess this summer.

### **Constitutional Development to Move Forward**

28. Mr President, our State leaders have repeatedly stressed in public that it is the sincere wish and determination of the Central Authorities to take forward the implementation of the selection of the CE by universal suffrage in Hong Kong. State leaders have stated in clear and unequivocal terms that implementing the selection of the CE by universal in 2017 is the solemn commitment of the Central Authorities, a basic requirement under the Basic Law and the relevant decisions of the NPCSC, and more so the earnest aspiration of Hong Kong people. Hong Kong has now reached a turning point on our “road to universal suffrage” and we must remain firmly committed to accomplishing this task. The Central Authorities expect that we make our best efforts, work with the utmost diligence, and strive to achieve the selection of the CE by universal suffrage in 2017.

29. Since the first round public consultation on constitutional development was launched in December 2013, up to the release of the HKSAR Government proposals today, we have had more than 16 months of extensive and in-depth discussions on this issue. This has yet to take into account the years of discussion on the timetable for universal suffrage and related issues since the return of Hong Kong to the motherland. Having travelled on this long “road to universal suffrage”, I believe that all of you, like me, have a strong desire to reach this new

milestone for Hong Kong's constitutional development and witness the selection of the CE by universal suffrage in 2017.

30. When the second round public consultation on constitutional development was launched, the HKSAR Government stressed the need to "Seize the Opportunity in 2017!". The most pressing objective now is to make it happen and implement universal suffrage as scheduled and in accordance with the law so that five million eligible voters can elect the CE through "one person, one vote" in 2017. If the universal suffrage proposals for the selection of the CE are vetoed, we will miss this golden opportunity. Not only will constitutional development come to a standstill, it will also be impossible to say when the "Five-step Process" can be initiated again to implement universal suffrage for the selection of the CE. Conversely, if we can implement the selection of the CE by universal suffrage in 2017, the CE selected by universal suffrage and the HKSAR Government under his/her leadership will have the political mandate required to further take forward constitutional development, including the aim of electing all the members of the LegCo by universal suffrage.

31. Some in the community consider that the Central Authorities or the HKSAR Government should commit to improving future electoral methods so as to raise public confidence in implementing the proposals. In fact, after the CE is selected by universal suffrage through "one person, one vote" in 2017, the ultimate aim of the selection of the CE by universal suffrage as prescribed in Article 45 of the Basic Law will have been attained. Regarding the issue of improving the universal suffrage system after its establishment, the provisions in Article 7 of Annex I to the Basic Law and the 2004 Interpretation of the NPCSC already provide a clear legal basis for initiating such further amendments to the method for selecting the CE. Needless to say, whether there is a need to amend and initiate the relevant amendment procedures will have to be considered by the then CE in accordance with the actual situation prevailing at that time.

### **Concluding Remarks**

32. LegCo has crucial constitutional roles and responsibilities in the constitutional development of Hong Kong. I sincerely urge all Members, especially our friends in the pan-democratic camp, to pause and reflect: if LegCo vetoes the proposals, the aspirations of the general public to elect the CE through "one person, one vote" will be shattered, which would in turn be a great disappointment to the public; if constitutional development

remains at a standstill, how can it possibly benefit Hong Kong's future constitutional development? Different organisations in the community have conducted various opinion polls. Most show that about half or more than half of respondents accept implementing the selection of the CE by universal suffrage in accordance with the Basic Law and the framework set out in the 8.31 Decision. The public's view is crystal clear. I urge Members and political parties to demonstrate your courage and determination at this critical moment, to act in the overall and long-term interests of Hong Kong, and to heed the strong desire of the majority people and political reality in a pragmatic and responsible manner while pursuing your personal ideals.

33. At this historic and critical moment, the general public and I both expect Members to shoulder their responsibilities and to have regard to the overall situation, so to allow Hong Kong's democratic development to continue to move forward to establish this most important milestone. Some political parties and groups and Members often focus only on the differences between the method for selecting the CE by universal suffrage as devised in accordance with the Basic Law and the framework set out in the 8.31 Decision and their ideal electoral model. This mode of thinking is not conducive to forging a consensus in the community, nor will it take forward constitutional development in Hong Kong. Around the world, it takes time for democratic development to go through a gradual process to reach consensus. Once the system is established, it still takes time to evolve and improve. We should weigh very carefully whether the passage of these proposals, or a standstill in constitutional development, will be a more favourable outcome for the overall and long-term interests of Hong Kong.

34. Mr President, from the slogans of "Let's talk and achieve universal suffrage" and "A clear basis for achieving universal suffrage" in the first round public consultation, to "2017: Seize the Opportunity" in the second round public consultation, Hong Kong has experienced an extraordinary 16 months, including the 79 days of the unlawful "Occupy Movement". During this period, we saw heated debate in society, and even social order disrupted and the rule of law challenged. Nevertheless, the public's qualities of being rational, persevering, pragmatic and law-abiding were also displayed in full. I am proud to see each member of the public hold onto his or her duties, and for daily life and social order to get back on track quickly. Today, the Government sincerely puts forth specific proposals to respond to the strong aspirations of the public to implement universal suffrage. I truly believe this is the biggest and most important step for Hong Kong's long-term constitutional

development. It is also the most courageous step forward after overcoming many difficulties taking every step before.

35. Mr President, last but not the least, I would like to conclude by citing the catchphrase on the cover of our Consultation Report and Proposals: “2017: Make it happen!”

36. Thank you, Mr President.