

## Chapter One : Introduction

- 1.01 In accordance with “The Interpretation by the Standing Committee of the National People’s Congress of Article 7 of Annex I and Article III of Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China” promulgated on 6 April 2004, should there be a question as regards whether there is a need to amend the methods for selecting the Chief Executive of the Hong Kong Special Administrative Region and for forming the Legislative Council of the Hong Kong Special Administrative Region, the Chief Executive of the Hong Kong Special Administrative Region shall make a report to the Standing Committee of the National People’s Congress (“the NPCSC”); and the NPCSC shall, in accordance with Articles 45 and 68 of the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China (“the Basic Law”), make a determination in the light of the actual situation in the Hong Kong Special Administrative Region (“HKSAR”) and in accordance with the principle of gradual and orderly progress.
- 1.02 Articles 45 and 68 of the Basic Law (coupled with Annexes I and II) have prescribed the method for electing the Chief Executive (“CE”) and for forming the Legislative Council (“LegCo”). The Basic Law further prescribes the ultimate aim of selecting the CE by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures, and of electing all the members of LegCo, by universal suffrage in the light of the actual situation in the HKSAR and in accordance with the principle of gradual and orderly progress.
- 1.03 Since the establishment of the HKSAR, Hong Kong’s political structure has been developing in accordance with the provisions of the Basic Law, and has been making progress towards the ultimate aim of universal suffrage in a gradual and orderly manner. After the Handover, in accordance with the principle of “Hong Kong people ruling Hong Kong” and the relevant provisions of the Basic Law, the CE shall be a Chinese citizen who is a permanent resident of the HKSAR, and is nominated and elected by the Election Committee.

- 1.04 Moreover, the number of LegCo seats returned by direct geographical elections increased from 20 in 1998 to 24 in 2000, and to 30 in 2004. The proportion of seats returned by direct geographical elections has been increased by 50% in the seven years since the Handover, and accounts for half of all 60 seats in LegCo.
- 1.05 Taking forward the HKSAR's democratic development towards the ultimate aim of universal suffrage is the common aspiration shared by the Central Authorities, the HKSAR Government and Hong Kong people. The HKSAR Government hopes that, after universal suffrage has been implemented, the Hong Kong community can move away from unceasing internal debates on constitutional development, and focus on economic development, social services and livelihood issues, etc.
- 1.06 In taking forward Hong Kong's constitutional development towards the ultimate aim of universal suffrage in a gradual and orderly manner, the HKSAR Government put forth, in 2005, a package of proposals for amending the two electoral methods for 2007/2008 to enhance their democratic elements. Although the package received the support of 60% of the public and more than half of all LegCo Members, it was not endorsed by a two-thirds majority of all LegCo Members as required by the Basic Law.
- 1.07 Moreover, during the period from end-2005 to mid-2007, the HKSAR Government, through the Commission on Strategic Development established by the CE, had been promoting wide-ranging discussions among various sectors of the community about the principles, models, roadmap and timetable for implementing universal suffrage for the CE and LegCo.
- 1.08 During the campaign for the third-term CE election early this year, the CE made it clear that he hoped to forge consensus within the community on the issue of universal suffrage within the new term of office, so as to implement universal suffrage as soon as possible. The CE has already fulfilled his electoral promise: the third-term HKSAR Government issued the Green paper on Constitutional Development ("the Green Paper") on 11 July to consult the public widely on the options, roadmap and timetable for implementing universal suffrage for the CE and LegCo. The three-month public consultation exercise was concluded on 10 October.

- 1.09 To facilitate public discussion, the HKSAR Government had summarized and categorised some 300 proposals received from various political parties/groups, organizations and individuals in the past few years, and presented them in the Green Paper as three types of options for implementing universal suffrage for electing the CE and for forming LegCo respectively.
- 1.10 The Green Paper presented all the critical issues and provided different options relating to the models, roadmap and timetable for implementing universal suffrage. The public could discuss and make their choices on the different options and timetable for implementing universal suffrage.
- 1.11 We also set out in the Green Paper in detail the constitutional basis for the HKSAR's constitutional development and the principles of design of its political structure. Article 12 of the Basic Law explicitly provides that "The HKSAR shall be a local administrative region of the PRC, which shall enjoy a high degree of autonomy and come directly under the Central People's Government ("CPG")." In accordance with the Constitution and the Basic Law, the Central Authorities have the constitutional powers and responsibilities to determine the model of political structure of the HKSAR<sup>1</sup>.
- 1.12 The Green Paper also pointed out that, in the process of attaining the ultimate aim of universal suffrage and in designing a model for implementing universal suffrage, we must consider, in accordance with the relevant provisions and principles of the Basic Law, whether the relevant options can comply with:
- (i) the basic policies of the State regarding Hong Kong;

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<sup>1</sup> According to the poll conducted by Hong Kong Institute of Asia-Pacific Studies, the Chinese University of Hong Kong from 20-24 September, about 69% of the respondents agree that in the discussion of Hong Kong's constitutional development, the constitutional powers of the Central Authorities should be respected (i.e. the Central Authorities have the ultimate power) (see pages 11-15 of Appendix II). Moreover, the poll conducted by the Hong Kong Research Association during the period from 4-7 October has indicated that 67% of the respondents consider that the Central Authorities have the ultimate power to determine the constitutional development option (see pages 209-212 of Appendix II).

- (ii) the four principles on constitutional development, namely, meeting the interests of different sectors of society, facilitating the development of the capitalist economy, gradual and orderly progress, and being appropriate to the actual situation in Hong Kong; and
- (iii) the principles of universal and equal suffrage.

We must develop, in accordance with the above provisions and principles, a system of universal suffrage that suits Hong Kong.

- 1.13 The consistent position of the HKSAR Government is that, upon ratification of the International Covenant on Civil and Political Rights (“the Covenant”) in 1976, a reservation was made reserving the right not to apply sub-paragraph (b) of Article 25 to Hong Kong. After the establishment of the HKSAR, in accordance with the CPG’s notification to the United Nations Secretary-General in June 1997 and Article 39 of the Basic Law, this reservation continues to apply to the HKSAR.
- 1.14 According to Annexes I and II to the Basic Law, any changes to the two electoral methods require the endorsement of a two-thirds majority of all the members of LegCo and the consent of the CE, and they shall be reported to the NPCSC for approval or for the record. Hence, the Green Paper made it clear that in attaining universal suffrage, we must act according to the constitutional framework. Where any universal suffrage model, in accordance with the procedures prescribed under Annexes I and II to the Basic Law, has secured the support by a two-thirds majority of all the members of LegCo and the endorsement by the CE and NPCSC, the concerned universal suffrage model will then be consistent with the constitutional requirements.
- 1.15 The ultimate universal suffrage option must also be accepted by the people of Hong Kong. Hence, during his election campaign, the CE made it clear that the ultimate universal suffrage option must not only comply with the constitutional requirements, but also be supported by the majority of Hong Kong people.
- 1.16 The CE also made the commitment during the election campaign that, after the close of public consultation on 10 October this year, the HKSAR Government would consolidate the views received within the public consultation period and assess whether

differences in opinions had narrowed sufficiently to provide a basis for consensus on implementation of universal suffrage to be formed. The CE would submit a report to the Central Authorities to reflect faithfully the views gathered within the public consultation period.

1.17 At the current stage of discussion on universal suffrage, it is of utmost importance for the Hong Kong community to reach consensus internally first. Hence, the HKSAR Government has taken into account the following two objective criteria in assessing, according to the views received within the public consultation period, whether differences in opinions have narrowed sufficiently to provide a basis for consensus on implementation of universal suffrage for the CE and LegCo to be formed:

- (i) whether the option will stand a reasonable chance of securing the endorsement of a two-thirds majority of all the members of LegCo (i.e. not less than 40 LegCo Members). To this end, our assessment is based on the written submissions put forth by the political parties/groups in LegCo and independent Members<sup>2</sup>; and

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<sup>2</sup> Political parties/groups in LegCo and independent Members that have put forth written submissions on the issue of universal suffrage include:

- (i) The Alliance (including Hon Bernard Chan, Hon Abraham Shek, Dr Hon Lui Ming-wah, Ir Dr Hon Raymond Ho and Prof Hon Patrick Lau);
- (ii) The Chinese General Chamber of Commerce (represented by Dr Hon Philip Wong);
- (iii) Democratic Alliance for the Betterment and Progress of Hong Kong (with nine Members); Hon Wong Yung-kan has also put forth his proposal separately;
- (iv) The Federation of Hong Kong & Kowloon Labour Unions (represented by Hon Li Fung-ying);
- (v) Hon Timothy Fok;
- (vi) League of Social Democrats (with two Members); Hon Albert Chan has also put forth his proposal separately;
- (vii) Twenty LegCo Members of Democratic Party, Civic Party, Hong Kong Association for Democracy and People's Livelihood ("ADPL"), the Frontier, Hong Kong Confederation of Trade Unions ("HKCTU") and Neighbourhood and Workers Service Centre ("NWSC"), together with three independent Members (twenty-three LegCo Members). Democratic Party, Civic Party, ADPL, the Frontier, HKCTU and NWSC have also put forth their submissions separately;
- (viii) Liberal Party (with 10 Members);

- (ii) whether the option is likely to attract majority support among Hong Kong people. To this end, we have made reference to the opinion polls conducted by various academic, non-governmental and media organizations during the public consultation period in making the assessment. We have also made reference to the views expressed through various means by LegCo, District Councils (“DCs”), as well as organizations and individuals of different sectors of society.

1.18 Regarding the opinion polls mentioned in paragraph 1.17(ii) above, we have made reference mainly to the findings of the following opinion polls:

- (i) the opinion poll conducted from 13-15 August by the Public Governance Programme of Lingnan University (please refer to pages 213-222 of Appendix II);
- (ii) the opinion poll conducted from 15-30 August by

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(ix) Heung Yee Kuk New Territories; and

(x) The Hong Kong Federation of Trade Unions (with three Members).

Although Hon Rita Fan has not put forth any written submission during the Green Paper public consultation period, she provided her written submission on the issue of universal suffrage to the Constitutional Development Task Force in 2004.

The written submissions put forth by political parties/groups in LegCo and independent Members are provided in Appendix I to this Report.

Moreover, Hon Anson Chan was elected in the LegCo Hong Kong Island geographical constituency by-election conducted on 2 December. The response of her Core Group to the Green Paper is provided in Appendix III (A2355) to this Report. According to the response, the Core Group supports the abolition of all functional constituency (FC) seats in one go, and the implementation of universal suffrage for the CE and LegCo in 2012; this is consistent with the proposal put forth by the 23 LegCo Members. However, regarding the universal suffrage model for the CE, the Core Group’s response is different from that put forth by the 23 LegCo Members. The Core Group considers that a nominating committee of 800 members would be appropriate, provided that changes are made to the electoral arrangements to widen the representation of certain elected members. Regarding the method of nomination, the Core Group considers that each potential candidate for the post of CE should be required to receive a minimum of 80 nominations, i.e. 10% of the total nominating committee membership.

SCMP/TNS (the poll was conducted on only business decision-makers and opinion leaders) (please refer to page 224 of Appendix II);

- (iii) the opinion poll conducted from 20-24 September by Hong Kong Institute of Asia-Pacific Studies, the Chinese University of Hong Kong (please refer to pages 11-15 of Appendix II);
- (iv) the opinion poll conducted from 2-5 October by the Public Opinion Programme at the University of Hong Kong (please refer to pages 153-164 of Appendix II); and
- (v) the opinion poll conducted from 4-7 October by the Hong Kong Research Association (please refer to pages 209-212 of Appendix II).

The coverage of the above opinion polls is generally consistent with the main areas of the Green Paper. We have also covered in the Report the opinion polls conducted by other media and research organizations. For the same series of opinion polls conducted by the same organization, we have made reference mainly to the findings of the last round of the polls conducted during the public consultation period. Other polls which can serve as useful reference are also mentioned in the Report.

1.19 Moreover, we have analyzed the written submissions put forth by various political parties/groups in LegCo and independent Members, as well as those by organizations and individuals. We have also made reference to the motions related to universal suffrage passed and the views put forth by the 18 DCs.

1.20 Chapter Two of this Report covers the work related to the public consultation exercise. Chapters Three to Five summarize the responses put forth by LegCo and DCs, findings of the opinion polls, as well as the views provided by individuals and organizations. These Chapters also analyze the views received on the following five key issues:

- (i) composition and size of the CE nominating committee;
- (ii) method for nominating the CE candidates;

- (iii) method of universal suffrage election after nomination of the CE candidates;
- (iv) models for forming LegCo by universal suffrage; and
- (v) roadmap and timetable for implementing universal suffrage for electing the CE and for forming LegCo.



## **Chapter Two : Public Consultation on the Green Paper**

- 2.01 Following the release of the Green Paper, the Constitutional and Mainland Affairs Bureau immediately embarked on the public consultation on the models, roadmap and timetable for implementing universal suffrage for the CE and LegCo. The Green Paper public consultation lasted three months and concluded on 10 October.
- 2.02 During the public consultation, we consulted the community widely and systematically through a variety of channels to gauge feedback on the Green Paper from among LegCo, DCs, organizations and individuals of different sectors of society, as well as members of the public.
- 2.03 We appealed to organizations and individuals of various sectors of society to put forth, by post, facsimile or e-mail, their views on the key issues set out in the Green Paper and other related issues. During the public consultation, we received views reflected through about 18200 written submissions, as well as more than 150000 signatures.
- 2.04 To promote further discussions on the issue of universal suffrage among various sectors of the community, the Chief Secretary for Administration, the Secretary for Constitutional and Mainland Affairs and the Secretary for Home Affairs attended four regional forums in the New Territories West, the New Territories East, Kowloon and Hong Kong Island on 21 August, 12, 17 and 19 September respectively to listen to the views of district personalities. A total of more than 770 district personalities, including members of DCs, members of Area Committees, representatives of owners' corporations and mutual aid committees, students, professionals, the middle class, and representatives of local organizations, etc. participated in these forums.
- 2.05 Moreover, the Secretary for Constitutional and Mainland Affairs and Secretary for Home Affairs attended two open forums on 24 August and 4 September respectively, which were organized for members of the public to take part in and to express their opinions. More than 450 members of the public participated in these two forums. The video footage of the open forums has been uploaded onto the Green Paper website

[www.cmab-gpcd.gov.hk](http://www.cmab-gpcd.gov.hk)).

- 2.06 The Secretary for Constitutional and Mainland Affairs also attended three public hearings of the LegCo Constitutional Affairs Panel to listen to the views of over 150 organizations and individuals on the issue of universal suffrage.
- 2.07 At the same time, the Chief Secretary for Administration, the Secretary for Constitutional and Mainland Affairs, as well as some relevant Bureau Secretaries also attended meetings with LegCo functional constituency sectors and Election Committee subsectors, as well as forums and meetings organized by more than 30 organizations, to listen to their views on the issue of universal suffrage.
- 2.08 Moreover, the Secretary for Constitutional and Mainland Affairs attended another three special meetings of the LegCo Constitutional Affairs Panel and the meetings of all 18 DCs to listen to the views of LegCo Members and DC members on the issue of universal suffrage direct.
- 2.09 Aside from approaching different sectors of the community and members of the public actively to listen to their views, we have also monitored closely the opinion polls on the issue of universal suffrage conducted by various academic, non-governmental and media organizations, so as to have an even better grasp of public opinion.
- 2.10 We are also aware that, on 7 October, several thousand people participated in an event and a procession to express their aspiration for implementing “dual universal suffrage” in 2012.
- 2.11 The full text of the views gathered during the public consultation period regarding the models, roadmap and timetable for implementing universal suffrage for the CE and LegCo are included in the following appendices.

Appendix I: Written submissions from political parties/groups in LegCo and independent Members & extracts of meeting notes of the 18 DCs

Appendix II: Public opinion polls conducted by various academic, non-governmental and media organizations on the issue of universal suffrage

Appendix III: Written submissions put forth by members of the public and organizations through various means, including by post, email and facsimile

The appendices can be viewed at District Offices or the Green Paper website.

## **Chapter Three : Models for Electing the Chief Executive by Universal Suffrage**

3.01 Article 45 of the Basic Law provides that:

“The CE of the HKSAR shall be selected by election or through consultations held locally and be appointed by the CPG.

The method for selecting the CE shall be specified in the light of the actual situation in the HKSAR and in accordance with the principle of gradual and orderly progress. The ultimate aim is the selection of the CE by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures.”

3.02 According to this provision, the selection and appointment of the CE involves four steps when universal suffrage is attained:

- (i) formation of a broadly representative nominating committee;
- (ii) nomination by the nominating committee in accordance with democratic procedures;
- (iii) selection of the CE by universal suffrage following nomination; and
- (iv) appointment by the CPG.

3.03 In accordance with Article 45 of the Basic Law, the CE of the HKSAR shall be selected by election or through consultations held locally and be appointed by the CPG. We made it clear in the Green Paper that the power of appointment of the CE by the Central Authorities is substantive, and that when universal suffrage for the CE is attained, the candidate elected in the election by universal suffrage shall be appointed by the CPG.

3.04 In discussing the models for electing the CE by universal suffrage, we stated in the Green Paper that the community should consider the following three key issues :

- (I) composition and size of the nominating committee;
- (II) method of nomination; and

(III) method for selecting the CE by universal suffrage following nomination.

3.05 Regarding the issues mentioned above, we have gathered views from various political parties/groups in LegCo, as well as various organizations and individuals of the community during the public consultation period. We have assessed whether consensus on the relevant issues can be formed within the community based on the objective criteria described in paragraph 1.17 above.

3.06 Paragraphs 3.07-3.36 below consolidate the written proposals put forth by LegCo Members, findings of the relevant opinion polls, as well as the written submissions put forth by organizations and individuals. The full set of all written submissions received and the opinion polls are provided in Appendices I to III to this Report.

**(I) Composition and Size of the Nominating Committee**

3.07 In accordance with Article 45 of the Basic Law, the election of the CE by universal suffrage should be preceded by the nomination of candidates by a broadly representative nominating committee. Hence, when considering the composition of the nominating committee, we need to take into account whether the requirement of it being “broadly representative” can be complied with.

3.08 Regarding the composition and size of the nominating committee, the relevant proposals received previously were categorized in the Green Paper as the following three types of options:

First type of options: forming the nominating committee by less than 800 members;

Second type of options: forming the nominating committee by 800 members; and

Third type of options: forming the nominating committee by more than 800 members.

## Legislative Council

**Various political parties/groups in LegCo and independent Members, that have put forth written submissions, support that the formation of the nominating committee should make reference to the Election Committee. They also support the formation of the nominating committee by 800 or more than 800 members (1200-1600 members).**

**However, there are diverse views on the composition, delineation and the electorate base of the sectors of the nominating committee.**

3.09 The proposals on the composition and size of the nominating committee put forth by various political parties/groups in LegCo and independent Members are as follows

- (i) Democratic Alliance for the Betterment and Progress of Hong Kong (“DAB”) suggests that the formation of the nominating committee should make reference to the scale and formation method of the Election Committee<sup>4</sup>;
- (ii) Liberal Party suggests that the Election Committee should be transformed into the nominating committee, and that the size of the nominating committee should be enlarged to 1200-1600 members. The number of seats for each of the existing four sectors should be increased evenly, and the proportion of representatives of each sector should not be changed lightly<sup>5</sup>;
- (iii) twenty-three LegCo Members suggest that the nominating committee should be formed by about 1200 members, i.e. by adding about 400 elected DC members to the 800

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<sup>3</sup> Although Hon Rita Fan has not put forth written proposal during the Green Paper public consultation period, she put forth her written submission on the issue of universal suffrage to the Constitutional Development Task Force in 2004. Regarding the composition and size of the nominating committee, she proposed that the nominating committee should be composed of 1600 members, including 660 political personalities (with all elected DC members), 740 from the industrial, commercial and professional sectors, and 200 from the labour, social services and religious sectors, etc. Please refer to Appendix I (LC18) for details.

<sup>4</sup> Please refer to Appendix I (LC10) for details.

<sup>5</sup> Please refer to Appendix I (LC31) for details.

Election Committee members<sup>6</sup>;

- (iv) Hong Kong Association for Democracy and People's Livelihood ("ADPL") suggests that the nominating committee should be formed on the basis of the current Election Committee. The size of the nominating committee should be enlarged from the existing 800 to 3200 members. The additional members may include ex-officio members, including LegCo Members, Hong Kong deputies to the National People's Congress ("NPC"), and representatives of Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference. The electorate base of the nominating committee should be expanded to a voter population which is equivalent to all eligible voters of geographical constituencies<sup>7</sup>;
- (v) the Frontier considers that before Article 45 of the Basic Law can be amended, the nominating committee should be elected by one-person-one-vote. To cooperate with other pan-democratic organizations, the Frontier agrees to the proposal that the current 800-member Election Committee can be transformed into the nominating committee, with all elected DC members to be included<sup>8</sup>;
- (vi) Hong Kong Confederation of Trade Unions ("HKCTU") suggests that the nominating committee should be formed by about 1200 members, i.e. by adding about 400 elected DC members to the current 758 Election Committee members (excluding the original 42 DC seats). This should serve as the transitional arrangement for electing the CE by universal suffrage in 2012<sup>9</sup>;
- (vii) Neighbourhood and Workers Service Centre ("NWSC") suggests that before the Basic Law is amended, all members of the institution for nominating the CE should

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<sup>6</sup> Please refer to Appendix I (LC29) for details.

<sup>7</sup> Please refer to Appendix I (LC34) for details.

<sup>8</sup> Please refer to Appendix I (LC21) for details.

<sup>9</sup> Please refer to Appendix I (LC38) for details.

be returned through democratic elections<sup>10</sup>;

(viii) Members of the Alliance have expressed the following views:

- (a) Hon Bernard Chan representing the insurance sector suggests that the size of the nominating committee should be expanded to more than 800 members, and that the number of sectors should be increased<sup>11</sup>;
- (b) Hon Abraham Shek suggests that formation of the nominating committee may make reference to the current 800-member Election Committee. If changes are necessary, this should be made in the light of the actual situation after implementation of universal suffrage. The size of the nominating committee can be enlarged to 1200 or 1600 members to make the committee more representative. However, this should be done on the basis of the existing four sectors of the Election Committee, and corresponding adjustments should be made to the relative proportion of each sector, for example, the percentage of members from the industrial, commercial and financial sectors should be increased to 35%<sup>12</sup>;
- (c) Dr Hon Lui Ming-wah suggests that the composition of the nominating committee can completely follow that of the Election Committee, and that the size should remain at 800 members<sup>13</sup>;
- (d) Ir Dr Hon Raymond Ho suggests that the size of the nominating committee should be enlarged to 1600 members. The additional seats can be allocated to the original or new subsectors. He also suggests that the electorate base of the nominating committee

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<sup>10</sup> Please refer to Appendix I (LC41) for details.

<sup>11</sup> Please refer to Appendix I (LC1) for details.

<sup>12</sup> Please refer to Appendix I (LC6) for details.

<sup>13</sup> Please refer to Appendix I (LC4) for details.



should be enlarged<sup>14</sup>;

- (e) Prof Hon Patrick Lau suggests that the size of the nominating committee should be enlarged to 1200-1600 members<sup>15</sup>;
- (ix) the Hong Kong Federation of Trade Unions (“FTU”) suggests that the nominating committee should be formed on the basis of 800 members, but there should be an appropriate increase in the number of representatives of the labour sector<sup>16</sup>;
- (x) League of Social Democrats (“LSD”) does not accept any proposal which allows screening of candidates by the nominating committee. Any citizen should be eligible to be a CE candidate, provided that he or she is nominated by 5% of the voters<sup>17</sup>;
- (xi) the Federation of Hong Kong & Kowloon Labour Unions (“HKFLU”) (represented by Hon Li Fung-ying) suggests that the Election Committee should be transformed into the nominating committee, and that the number of members of the first, second and third sectors should be increased from 200 to 400. As for the fourth sector, the number of members should be increased from 200 to 600, including all LegCo Members, all elected DC members, all representatives of Heung Yee Kuk and Hong Kong deputies to NPC who are returned through elections. The total number of members will be around 1800<sup>18</sup>;

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<sup>14</sup> Please refer to Appendix I (LC2) for details.

<sup>15</sup> Please refer to Appendix I (LC3) for details.

<sup>16</sup> Please refer to Appendix I (LC40) for details.

<sup>17</sup> Please refer to Appendix I (LC23) for details. However, in accordance with Article 45 of the Basic Law, the election of the CE by universal suffrage should be preceded by the nomination of candidates by a broadly representative nominating committee.

<sup>18</sup> Please refer to Appendix I (LC19) for details.

- (xii) Heung Yee Kuk New Territories (“Heung Yee Kuk”) (including Hon Lau Wong-fat, Hon Daniel Lam and Hon Cheung Hok-ming) suggests that the size of the nominating committee can be enlarged to 1200-1600 members<sup>19</sup>; and
- (xiii) the Chinese General Chamber of Commerce (represented by Dr Hon Philip Wong) suggests that the nominating committee should be formed on the basis of the Election Committee, i.e. the nominating committee should be formed by the existing four sectors and its size should remain at 800 members<sup>20</sup>.

### Opinion Polls

**The opinion polls have indicated that more respondents support that the formation of the nominating committee should make reference to the existing Election Committee. According to different opinion polls, more respondents consider that the size of the nominating committee should exceed 800 members.**

3.10 Various opinion polls on the composition and size of the nominating committee conducted during the public consultation period have indicated that:

- (i) according to the poll conducted by the Hong Kong Research Association, more respondents support transforming the Election Committee into the nominating committee<sup>21</sup>; and
- (ii) according to the poll conducted by the Public Governance Programme of Lingnan University, SCMP/TNS, Hong Kong Research Association, Hong Kong Institute of Asia-Pacific Studies, the Chinese University of Hong

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<sup>19</sup> Please refer to Appendix I (LC32) for details.

<sup>20</sup> Please refer to Appendix I (LC8) for details.

<sup>21</sup> We have made reference to the opinion poll conducted by the Hong Kong Research Association during the period from 4-7 October (please refer to pages 209-212 of Appendix II): 43% of the respondents support transforming the Election Committee into the nominating committee; 20% do not.

Kong and the Public Opinion Programme at the University of Hong Kong respectively, the majority of respondents support the option of forming the nominating committee by more than 800 members, followed by the option of forming the nomination committee by 800 members, while the option of forming the nomination committee by less than 800 members receives the least support<sup>22</sup>.

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<sup>22</sup> We have made reference to the following opinion polls:

- (i) the opinion poll conducted from 13-15 August by the Public Governance Programme of Lingnan University (please refer to pages 213-222 of Appendix II):
  - (a) about 59% of the respondents consider it more appropriate for the nominating committee to be formed by more than 800 members;
  - (b) about 14% consider it more appropriate for the nominating committee to be formed by 800 members; and
  - (c) about 12% consider it more appropriate for the nominating committee to be formed by less than 800 members.
  
- (ii) the opinion poll conducted from 15-30 August by SCMP/TNS (the poll was conducted on only business decision-makers and opinion leaders) (please refer to page 224 of Appendix II):
  - (a) 69% of the respondents consider that the nominating committee should be formed by more than 800 members;
  - (b) 12% consider that the nominating committee should be formed by 800 members; and
  - (c) 10% consider that the nominating committee should be formed by less than 800 members.
  
- (iii) the opinion poll conducted from 4-7 October by the Hong Kong Research Association (please refer to pages 209-212 of Appendix II):
  - (a) 63% of the respondents consider that the nominating committee should be formed by more than 800 members;
  - (b) 14% consider that the nominating committee should be formed by 800 members; and
  - (c) 9% consider that the nominating committee should be formed by less than 800 members.
  
- (iv) the opinion poll conducted from 20-24 September by Hong Kong Institute of Asia-Pacific Studies, the Chinese University of Hong Kong (please refer to pages 11-15 of Appendix II):
  - (a) about 70% of the respondents consider it more appropriate to form the nominating committee by more than 800 members;
  - (b) about 16% consider it more appropriate to form the nominating committee by 800 members; and
  - (c) about 8% consider it more appropriate to form the nominating committee by less than 800 members.

## **(II) Method of Nomination**

3.11 In accordance with Article 45 of the Basic Law, in electing the CE by universal suffrage, the nominations of CE candidates should be made by a broadly representative nominating committee in accordance with democratic procedures, i.e. a CE candidate will be required to gain the support from representatives of different sectors and strata; selection of the CE shall be by universal suffrage upon nomination, i.e. a CE candidate will be required to gain the support of the public through one-person-one-vote; and the CE elected from universal suffrage shall be appointed by the CPG.

3.12 This shows that the nominating committee will play a crucial role in ensuring that the CE candidates nominated shall be accountable to the CPG and the HKSAR. Hence, when considering the method for nominating CE candidates by the nominating committee, we should ensure that the nominating committee, as a nominating organ, will be able to perform its role.

3.13 Besides, we also have to take into account the following factors:

- (i) compliance with the requirement of “nomination in accordance with democratic procedures” as stipulated in the Basic Law;

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- (v) according to the opinion poll conducted from 2-5 October by the Public Opinion Programme at the University of Hong Kong, 58% of the respondents support the option of implementing universal suffrage for the CE proposed by 22 LegCo Members, i.e. forming the nominating committee by about 1200 members by adding about 400 elected DC members to the 800 Election Committee members; the number of subscribers required should be 50 members from any sectors; the CE should ultimately be elected by universal suffrage. 17% and 16% of the respondents have indicated “half-half” and “oppose” respectively (please refer to pages 153-164 of Appendix II).

Moreover, we have made reference to the poll conducted by Ming Pao from 12-15 July (with 348 respondents): 70% choose a nominating committee with more than 800 members, 22% choose a nominating committee with 800 members, and 8% choose a nominating committee with less than 800 members (please refer to page 223 of Appendix II).

(ii) ensuring that candidates have wide support and sufficient legitimacy; and

(iii) providing aspiring individuals with the fair opportunity to be nominated.

3.14 Regarding the nomination method, the Green Paper set out the following two key issues:

(i) the number of candidates available for election by the public and the nominating procedures; and

(ii) whether other nomination requirements should be adopted.

*Number of candidates and nominating procedures*

Legislative Council

**In LegCo, DAB, two Members of the Alliance, FTU, Heung Yee Kuk and the Member representing the Chinese General Chamber of Commerce support having two to four CE candidates at most. Liberal Party considers that when electing the CE by universal suffrage for the first time, the nomination threshold should not be set too low; rather it should be slightly increased.**

**However, 23 LegCo Members have proposed that the nominating committee should be formed by about 1200 members, and a CE candidate can be nominated by 50 members from any sectors, i.e. 24 candidates at most.**

3.15 Proposals on the nomination method put forth by various political parties/groups in LegCo and independent Members are as follows<sup>23</sup>:

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<sup>23</sup> Although Hon Rita Fan has not put forth written proposal during the Green Paper public consultation, she put forth her written submission on the issue of universal suffrage to the Constitutional Development Task Force in 2004. Regarding the nomination method, she proposed that the nominating committee should be composed of 1600 members, and that contenders should be required to obtain not less than 400 nominations from members of the nominating committee to become candidates; please refer to Appendix I (LC18) for details.

- (i) DAB suggests that aspiring individuals will become official contenders if they are able to secure not less than 50 nominations from members of the nominating committee. The nominating committee should then nominate not less than two CE candidates from among the contenders in accordance with democratic procedures for election by universal suffrage<sup>24</sup>;
- (ii) Liberal Party considers that when electing the CE by universal suffrage for the first time, the nomination threshold should not be set too low; rather it should be slightly increased. However, after the CE has been elected by universal suffrage for the first time, the threshold for universal suffrage can be lowered step by step in the light of Hong Kong's actual situation<sup>25</sup>;
- (iii) twenty-three LegCo Members suggest that, in a nominating committee with 1200 members, a CE candidate can be nominated by 50 members from any sectors (i.e. 24 candidates at most)<sup>26</sup>;
- (iv) ADPL suggests that, in a nominating committee with 3200 members, a CE candidate can be nominated by 5% of the members, i.e. 160 members, and every member of the nominating committee may only nominate one candidate<sup>27</sup>;
- (v) Members of the Alliance have expressed the following views:
  - (a) Hon Abraham Shek suggests that if the current 800-member Election Committee is transformed into the nominating committee, the number of subscribers required for nominating candidates should be changed from the current requirement of not less than 100 members to not less than 200

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<sup>24</sup> Please refer to Appendix I (LC10) for details.

<sup>25</sup> Please refer to Appendix I (LC30-31) for details.

<sup>26</sup> Please refer to Appendix I (LC29) for details.

<sup>27</sup> Please refer to Appendix I (LC34) for details.

nominating committee members (i.e. four candidates at most)<sup>28</sup>;

- (b) Dr Hon Lui Ming-wah suggests that there should be two to four candidates at most, and that each candidate should be required to obtain nominations from at least 25% of the nominating committee members<sup>29</sup>;
- (c) Ir Dr Hon Raymond Ho suggests that each candidate should be required to obtain nominations from 12.5% of the nominating committee members (i.e. eight candidates at most)<sup>30</sup>;
- (vi) FTU considers it appropriate for the nominating committee to nominate two to four candidates through democratic procedures<sup>31</sup>;
- (vii) LSD suggests that any eligible citizen can become a CE candidate, provided that he or she is nominated by 5% of voters<sup>32</sup>;
- (viii) HKFLU (represented by Hon Li Fung-ying) suggests that the number of subscribers required for nominating a CE candidate should remain at about one-eighth of all members of the nominating committee (i.e. eight candidates at most)<sup>33</sup>;
- (ix) Heung Yee Kuk (including Hon Lau Wong-fat, Hon Daniel Lam and Hon Cheung Hok-ming) considers that the option

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<sup>28</sup> Please refer to Appendix I (LC6) for details.

<sup>29</sup> Please refer to Appendix I (LC4) for details.

<sup>30</sup> Please refer to Appendix I (LC2) for details.

<sup>31</sup> Please refer to Appendix I (LC40) for details.

<sup>32</sup> Please refer to Appendix I (LC23) for details. However, this proposal has not proposed setting up a nominating committee to nominate the candidates, and is not consistent with the provisions of the Basic Law.

<sup>33</sup> Please refer to Appendix I (LC19) for details.

of having two to four candidates is preferable, and that the nomination threshold may be adjusted accordingly<sup>34</sup>; and

- (x) the Chinese General Chamber of Commerce (represented by Dr Hon Philip Wong) considers it appropriate for each candidate be nominated by 200 members of the nominating committee, and that there should be two to four candidates<sup>35</sup>.

### Opinion Polls

**Regarding the number of candidates available for election by the public after nominations by the nominating committee, various opinion polls have indicated that more than half of the respondents support that there should be two to four candidates at most when universal suffrage for the CE is implemented.**

3.16 According to the opinion polls conducted by the Public Governance Programme of Lingnan University, Hong Kong Research Association and Hong Kong Institute of Asia-Pacific Studies, the Chinese University of Hong Kong respectively, when the respondents are asked directly on the appropriate number of candidates when universal suffrage for the CE is implemented, more than half consider that there should be two to four candidates at most<sup>36</sup>.

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<sup>34</sup> Please refer to Appendix I (LC32) for details.

<sup>35</sup> Please refer to Appendix I (LC8) for details.

<sup>36</sup> We have made reference to the following opinion polls:

- (i) the opinion poll conducted from 13-15 August by the Public Governance Programme of Lingnan University (please refer to pages 213-222 of Appendix II):
  - (a) about 45% of the respondents consider it more appropriate to have 2-4 candidates when universal suffrage for the CE was implemented;
  - (b) about 12% consider it more appropriate to have 5-8 candidates;
  - (c) about 9% consider it more appropriate to have more than 8 candidates; and
  - (d) about 25% consider it not necessary to set a limit on the number of candidates.
- (ii) the opinion poll conducted from 4-7 October by the Hong Kong Research Association (please refer to pages 209-212 of Appendix II):
  - (a) 51% of the respondents consider that there should be 2-4 candidates at



3.17 However, according to the opinion poll conducted by the Public Opinion Programme at the University of Hong Kong, more respondents support that the nominating committee should be formed by 1200 members, and a CE candidate can be nominated by 50 members from any sectors, i.e. 24 candidates at most<sup>37</sup>.

*Other nomination requirements*

3.18 The Green Paper pointed out that consideration should be made as to whether other nomination requirements should be adopted:

- (i) whether an upper limit on the number of subscribers which a candidate can obtain should be set; and
- (ii) whether a candidate should be required to obtain a certain number of nominations from each sector of the nominating committee, or a certain number of nominations from the specified sectors.

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most when universal suffrage for the CE was implemented;

(b) 22% consider that there should be 8 candidates at most; and

(c) 13% consider that there should be 10 candidates or more.

(iii) the opinion poll conducted from 20-24 September by Hong Kong Institute of Asia-Pacific Studies, the Chinese University of Hong Kong (please refer to pages 11-15 of Appendix II):

(a) about 52% of the respondents consider it more appropriate to have 2-4 CE candidates;

(b) about 20% consider it more appropriate to have 5-8 candidates; and

(c) about 21% consider it more appropriate to have more than 8 candidates.

Moreover, we have made reference to the poll conducted by Ming Pao from 12-15 July (with 348 respondents): 48% consider that there should be 2-4 candidates at most; 32% consider that there should be 8 candidates at most; 20% consider that there should be 10 candidates or more (please refer to page 223 of Appendix II).

<sup>37</sup> According to the opinion poll conducted from 2-5 October by the Public Opinion Programme at the University of Hong Kong, 58% of the respondents support the option for implementing universal suffrage for the CE put forth by 22 LegCo Members, i.e. forming the nominating committee by about 1200 members by adding about 400 elected DC members to the current 800-member Election Committee; 50 members from any sector may nominate a CE candidate; the CE should ultimately be elected by one-person-one-vote. 17% and 16% of the respondents have indicated “half-half” and “oppose” respectively (please refer to pages 153-164 of Appendix II).

## Legislative Council

- 3.19 Liberal Party suggests that candidates should secure nominations from all four sectors, so as to realize the principle of balanced participation as provided in the Basic Law<sup>38</sup>.
- 3.20 HKFLU (represented by Hon Li Fung-ying) considers that an upper limit should be set on the number of subscribers which a candidate could obtain<sup>39</sup>.
- 3.21 Other political parties/groups in LegCo and independent Members have not put forth any specific proposals on the above issues.

## Opinion Polls

- 3.22 The relevant opinion polls have not collected views on the above issues.

### **(III) Method of Universal Suffrage Election after Nomination**

- 3.23 Regarding the method of universal suffrage election after nomination, the Green Paper consolidated the relevant views received previously, and pointed out that the community generally agreed that, after the nomination of candidates, the CE should be elected by universal suffrage on the basis of one-person-one-vote.
- 3.24 The Green Paper also pointed out that the community should consider the following relevant issues:
- (i) whether one or more rounds of election should be held after nomination; and
  - (ii) whether the election proceedings should continue if there is only one candidate.

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<sup>38</sup> Please refer to Appendix I (LC31) for details.

<sup>39</sup> Please refer to Appendix I (LC19) for details.

## Legislative Council

3.25 Members of the Alliance have expressed the following views:

- (i) Hon Bernard Chan representing the insurance sector indicates that more than one round of election should be held to ensure that the CE elected is supported by the majority of Hong Kong people<sup>40</sup>; and
- (ii) Hon Abraham Shek suggests that only one round of election should be held, and that it will not be necessary to require a candidate to receive more than half of the valid votes cast to get elected. Moreover, the election proceedings should continue if there is only one candidate<sup>41</sup>.

3.26 ADPL suggests that candidates formally nominated by the nominating committee should be elected by all registered voters by one-person-one-vote, and that a simple majority voting system should be adopted<sup>42</sup>.

3.27 HKCTU suggests that two rounds of voting should be held. Any candidate who has secured nominations from 50 members of the nominating committee can participate in the first round of voting. The candidate who has received more than half of the valid votes cast will get elected. If no candidate has received more than half of the valid votes cast in the first round of voting, a second round of voting should be held for voters to elect the CE from among the two candidates who have received the highest number of votes in the first round.

If there is only one candidate who is validly nominated, HKCTU suggests that the candidate should be elected *ipso facto*, and that it is not necessary to have confidence voting<sup>43</sup>.

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<sup>40</sup> Please refer to Appendix I (LC1) for details.

<sup>41</sup> Please refer to Appendix I (LC6) for details.

<sup>42</sup> Please refer to Appendix I (LC34) for details.

<sup>43</sup> Please refer to Appendix I (LC38) for details.

- 3.28 Other political parties/groups in LegCo and independent Members have not put forth any specific proposals on the above issues.

### Opinion Polls

- 3.29 The relevant opinion polls have not collected views on the above issues.

### Models for Electing the CE by Universal Suffrage: Written Submissions<sup>44</sup>

- 3.30 We have analyzed the written submissions received from individual organizations and individuals.

- 3.31 Among about 18200 written submissions received during the public consultation period, about 14000 have put forth proposals regarding models for electing the CE by universal suffrage. Among them, about 12600 are standard form submissions with identical content (standard responses) initiated by 23 LegCo Members.

- 3.32 The standard responses support the formation of the nominating committee by about 1200 members (by adding all elected DC members to the 800 Election Committee members). Regarding the number of candidates, it is considered that any person should become a candidate upon obtaining the nomination of 50 members of the nominating committee, and that there should not be a set limit on the number of candidates nor should there be a pre-selection procedure the nominating committee could elect a certain number of candidates. As for the model of election by universal suffrage after nomination, the relevant responses support the method of one-person-one-vote.

- 3.33 Excluding the standard responses, among the written submissions, there are more views which support the formation of the nominating committee by more than 800 members (e.g. 1600 members). For example, by making reference to the composition of the Election Committee, the number of members for each sector can be increased evenly, or new sectors can be

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<sup>44</sup> We have also made reference to the motion relating to universal suffrage models for the CE passed by the Sham Shui Po DC.

added. There are also views that, by making reference to the composition of the Election Committee, the nominating committee should be formed by 800 members.

- 3.34 Regarding the number of candidates, excluding the standard responses, among the written submissions, there are more views which support having two to four candidates at most. This is consistent with the findings of various opinion polls, which have indicated that more respondents support having two to four candidates at most when universal suffrage for the CE is implemented.
- 3.35 Regarding the method of universal suffrage election after nomination, not too many organizations and individuals have put forth specific proposals.

## **Conclusion**

- 3.36 Having consolidated the proposals put forth by various political parties/groups in LegCo and independent Members, findings of the relevant opinion polls, written submissions from members of the public and other views, in overall terms, LegCo and the public have not formed any mainstream view at this stage on the complete model for electing the CE by universal suffrage. However, it is clear that differences have been narrowed on some of the important issues.

### **(I) Composition and Size of the Nominating Committee**

- (i) There are relatively more views that the formation of the nominating committee for nominating CE candidates may make reference to the existing Election Committee for electing the CE.
- (ii) Various political parties/groups in LegCo and independent Members support the formation of CE nominating committee by 800 or more than 800 members (for example, by increasing the number of members to 1200 or 1600). Opinion polls have indicated that more respondents consider that the nominating committee should be formed by more than 800 members.

- (iii) However, regarding the specific number of members, composition, delineation and electorate base of the sectors of the nominating committee, LegCo and the public have not reached any consensus at this stage. Further discussions will be necessary.

**(II) Method of Nomination**

- (iv) There are relatively more views that it would be appropriate to have two to four CE candidates at most.
- (v) Regarding the detailed nomination procedures, further discussions within the community will be necessary. In this regard, there are views that the nominations of CE candidates should be made by the nominating committee, and there are also views that it should be sufficient for the contenders to obtain a specified number of nominations from members of the nominating committee to become candidates. No mainstream view can be formed at this stage.

**(III) Method of Universal Suffrage Election after Nomination**

- (vi) The community generally agrees that, after the CE candidates have been nominated in accordance with democratic procedures, the CE should be elected by universal suffrage on the basis of one-person-one-vote. As to whether one or more rounds of election should be held, and whether the election proceedings should continue if there is only one candidate, further discussions will be necessary.

## **Chapter Four : Models for Forming the Legislative Council by Universal Suffrage**

4.01 Article 68 of the Basic Law provides that:

“The LegCo of the HKSAR shall be constituted by election.

The method for forming LegCo shall be specified in the light of the actual situation in the HKSAR and in accordance with the principle of gradual and orderly progress. The ultimate aim is the election of all the members of LegCo by universal suffrage.”

4.02 Currently, there are 60 seats in LegCo. Half of them are returned by geographical constituencies (“GCs”) through direct elections, and the other half are returned by functional constituencies (“FCs”).

4.03 We pointed out in the Green Paper that, regarding the model for forming LegCo by universal suffrage, one key issue was how the existing FCs should be dealt with when universal suffrage was attained, i.e. whether FC seats should be abolished or whether changes should be made to the electoral method so as to retain the FC seats in some form.

4.04 We also emphasized in the Green Paper that, in considering the model for forming LegCo by universal suffrage, we had to take into account the political reality that 30 out of the 60 LegCo seats were returned by FCs. As any amendment to the electoral method for LegCo required the endorsement of a two-thirds majority of all the members of LegCo, in practice, this meant that the endorsement and support of members returned by FCs as well as those returned by GCs through direct elections would be required.

4.05 Regarding the models for forming LegCo by universal suffrage, the relevant proposals received previously were categorized in the Green Paper as the following three types of options:

First type of options: replacing FC seats with district-based seats returned through direct election;

Second type of options: retaining FC seats, but changing the electoral method; and

Third type of options: increasing the number of LegCo seats returned by members of DCs electing among themselves.

4.06 It was also mentioned in the Green Paper that, among the proposals received previously, there were views that transitional arrangements could first be put in place and that universal suffrage for LegCo could be attained in phases<sup>45</sup>. However, there were also views that universal suffrage should not be attained in phases.

4.07 Regarding the models for forming LegCo by universal suffrage, we have gathered views from various political parties/groups in LegCo, as well as various organizations and individuals in the community during the public consultation period. We have assessed whether consensus on the relevant issues can be formed within the community based on the objective criteria described in paragraph 1.17 above.

4.08 Paragraphs 4.09-4.23 below consolidate the written proposals put forth by LegCo Members, findings of the relevant opinion polls, and written submissions put forth by organizations and individuals. The full set of all written submissions received and the opinion polls are provided in Appendices I to III to this Report.

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<sup>45</sup> Specific proposals include:

- (i) expanding the electorate base of FCs;
- (ii) abolishing or merging some of the existing FCs;
- (iii) including voters who are currently not entitled to vote at FCs, so that each voter will have a vote to return directly elected GC Members, and the other to return FC Members;
- (iv) returning directly elected Members from GCs and, at the same time, allowing FCs to nominate candidates for election by universal suffrage;
- (v) abolishing the FC seats in phases; and
- (vi) increasing the proportion of district-based seats to FC seats.



## Legislative Council

**No mainstream view has been formed among political parties/groups in LegCo and independent Members at this stage on the models for forming LegCo by universal suffrage, including whether the FC seats should be abolished in one go or in phases, as well as the specific model.**

4.09 Political parties/groups in LegCo and independent Members have put forth various suggestions regarding the models for forming LegCo by universal suffrage<sup>46</sup>:

- (i) DAB considers that the discussion on implementation of universal suffrage for LegCo is relatively more complicated. There should be further study and discussion on whether FC seats should be abolished or retained, as well as the technical issues related to the implementation of universal suffrage<sup>47</sup>;
- (ii) Liberal Party suggests that FC seats may be reduced in phases over three LegCo terms, starting from the first LegCo term following the implementation of universal suffrage for the CE at the earliest. FC seats can be reduced from 30 to 20 in the first phase, and further reduced to 10 in the second phase. Finally, all seats will be returned by universal suffrage. Since traditional FCs which are more knowledgeable about economic policies (e.g. the commercial, industrial and professional sectors) will need more time to adapt to such changes, these FCs should only be abolished in the last phase<sup>48</sup>;

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<sup>46</sup> Although Hon Rita Fan has not put forth written proposal during the Green Paper public consultation period, she put forth her written submission on the issue of universal suffrage to the Constitutional Development Task Force in 2004. Regarding the universal suffrage models for forming LegCo, she has proposed that the electoral method for FC Members can be changed in three phases, so that candidates will be required to be nominated by FC voters for election by universal suffrage. Candidates should be required to obtain the nominations from one-third of the electors in their respective FCs before they can stand for election by universal suffrage. Please refer to Appendix I (LC18) for details.

<sup>47</sup> Please refer to Appendix I (LC10) for details.

<sup>48</sup> Please refer to Appendix I (LC30-31) for details.

- (iii) twenty-three LegCo Members suggest that FC seats should be abolished in one go. A mixed electoral model should be adopted with half of the seats returned by a single-seat-single-vote system on a district basis, and the other half by a proportional representation system, under which the whole of Hong Kong will form a single constituency, i.e. each voter will have two votes<sup>49</sup>;
- (iv) the Frontier considers that FCs should be abolished as soon as possible so that people of Hong Kong can elect all LegCo Members by one-person-one-vote<sup>50</sup>;
- (v) NWSC suggests that all LegCo seats should be returned by universal suffrage, with half of the seats returned by GCs through direct elections, and the other half allocated to candidates of political parties/groups based on the proportion of votes the respective political parties/groups have received in the election<sup>51</sup>;
- (vi) Members of the Alliance have expressed the following views:
  - (a) Hon Bernard Chan representing the insurance sector suggests that the Insurance FC should be retained, but the electorate base should be expanded<sup>52</sup>;
  - (b) Hon Abraham Shek considers that FCs should not be abolished in one go, that consideration should be given to retaining the FCs representing the business sector, and that the existing corporate voting system should be retained<sup>53</sup>;

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<sup>49</sup> Please refer to Appendix I (LC29) for details.

<sup>50</sup> Please refer to Appendix I (LC21) for details.

<sup>51</sup> Please refer to Appendix I (LC41) for details.

<sup>52</sup> Please refer to Appendix I (LC1) for details.

<sup>53</sup> Please refer to Appendix I (LC5) for details.

- (c) Dr Hon Lui Ming-wah considers that it will take time for consensus to emerge on how to deal with the FCs. Universal suffrage for LegCo should be implemented in phases after the smooth implementation of universal suffrage for the CE<sup>54</sup>;
- (d) Ir Dr Hon Raymond Ho considers that the existence of the FCs can be consistent with the internationally accepted principles of universal suffrage. He suggests that, in 2016, FCs should be retained and a review should be conducted<sup>55</sup>;
- (e) Prof Hon Patrick Lau suggests that FCs should be retained, but the electoral system should be changed to attain universal suffrage<sup>56</sup>;
- (vii) FTU considers that FCs should be suitably retained if no ideal alternative electoral method can be identified for the next few LegCo terms. However, consideration can be given to expanding the electorate base suitably<sup>57</sup>;
- (viii) LSD considers that the number of LegCo seats should be increased from 60 to 70. All seats should be returned by universal suffrage and all existing FCs must be abolished<sup>58</sup>;
- (ix) HKFLU (represented by Hon Li Fung-ying) considers that the electoral system for LegCo should involve balanced participation. Any change for the electoral system should progress in a gradual and orderly manner, such that the value of votes for FCs would gradually become almost the same as that for GCs. The final goal should be the abolition of corporate votes. Only individual votes should

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<sup>54</sup> Please refer to Appendix I (LC4) for details.

<sup>55</sup> Please refer to Appendix I (LC2) for details.

<sup>56</sup> Please refer to Appendix I (LC3) for details.

<sup>57</sup> Please refer to Appendix I (LC40) for details.

<sup>58</sup> Please refer to Appendix I (LC23) for details.

be permitted, with each voter having only one vote. A voter should not enjoy the right to vote in FCs and GCs at the same time<sup>59</sup>;

- (x) Heung Yee Kuk (including Hon Lau Wong-fat, Hon Daniel Lam and Hon Cheung Hok-ming) suggests that the FC seats should be retained, with candidates nominated by their respective sectors and returned by registered voters<sup>60</sup>; and
- (xi) the Chinese General Chamber of Commerce (represented by Dr Hon Philip Wong) considers that the FC seats in LegCo must be retained<sup>61</sup>.

### Opinion Polls

**Various opinion polls have indicated that views of the respondents are very diverse on the ultimate model for forming LegCo by universal suffrage, on whether the FCs should be retained, and on whether and how transitional arrangements should be put in place to attain universal suffrage in phases. Different options have received various levels of support.**

- 4.10 Regarding whether FC seats should be retained when universal suffrage for LegCo is implemented, the opinion polls conducted during the public consultation period have indicated a variety of opinion:
- (i) the opinion polls conducted by the Hong Kong Research Association has indicated that more respondents consider that the FC seats should be retained when universal suffrage for LegCo is implemented<sup>62</sup>;

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<sup>59</sup> Please refer to Appendix I (LC19) for details.

<sup>60</sup> Please refer to Appendix I (LC32) for details.

<sup>61</sup> Please refer to Appendix I (LC8) for details.

<sup>62</sup> According to the opinion poll conducted from 4-7 October by the Hong Kong Research Association, 51% of the respondents consider that the FC seats should be retained when universal suffrage for LegCo is implemented; 31% consider the otherwise (please refer to pages 209-212 of Appendix II).

- (ii) however, the opinion poll conducted by the Public Governance Programme of Lingnan University has indicated that more respondents support replacing all FC seats with district-based seats returned by universal suffrage<sup>63</sup>.

4.11 Regarding the specific models for forming LegCo by universal suffrage, various opinion polls have indicated a variety of opinion:

- (i) the respective opinion polls conducted by SCMP/TNS and the Public Opinion Programme at the University of Hong Kong have indicated that the three options set out in paragraph 4.05 above have received various levels of support<sup>64</sup>:

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<sup>63</sup> According to the opinion poll conducted from 13-15 August by the Public Governance Programme of Lingnan University, about 51% of the respondents support replacing all FC seats with district-based seats returned through direct election; about 23% do not support (please refer to pages 213-222 of Appendix II).

<sup>64</sup> According to the opinion poll conducted from 23-26 July by the Public Opinion Programme at the University of Hong Kong, about 23% of the respondents support replacing FC seats with district-based seats returned through direct election, about 34% support retaining FC seats but changing the electoral method, and about 28% support increasing the number of seats representing DCs in LegCo (please refer to pages 72-82 of Appendix II).

Moreover, the opinion poll conducted from 12-15 July by Ming Pao (with 348 respondents) has also indicated that there are different levels of support for the three types of options: 33% of the respondents support replacing FC seats with district-based seats returned through direct election, 39% support retaining FC seats but changing the electoral method, and 28% support increasing the number of seats representing DCs in LegCo (please refer to page 223 of Appendix II).

Organizer of opinion polls	Support replacing FC seats by district-based seats returned through direct election	Support retaining FC seats but changing the electoral method	Support increasing the number of seats representing DCs in LegCo
SCMP/TNS	23%	30%	23%
The Public Opinion Programme at the University of Hong Kong	23%	34%	28%

- (ii) another opinion poll conducted by the Public Governance Programme of Lingnan University has indicated that, among the three options, more respondents support the option of allowing FCs to nominate candidates for election by all voters, followed by the option of replacing all FC seats by district-based seats returned by universal suffrage; the option of increasing the number of seats representing DCs in LegCo has received the least support<sup>65</sup>;
- (iii) the opinion poll conducted by the Public Opinion Programme at the University of Hong Kong has indicated that about half of the respondents support a mixed electoral model, with half of the seats returned by a single-seat-single-vote system, while the other half by a proportional representation system, under which the whole of Hong Kong will form a single constituency, i.e. each voter will have two votes<sup>66</sup>;

<sup>65</sup> According to the opinion poll conducted from 13-15 August by the Public Governance Programme of Lingnan University, about 61% of the respondents support the option of allowing FCs to nominate candidates for election by all voters, about 51% support the option of replacing all FC seats with district-based seats, and about 40% support the option returning FC seats by members of DCs electing among themselves (please refer to pages 213-222 of Appendix II).

<sup>66</sup> According to the opinion poll conducted from 2-5 October by the Public Opinion Programme at the University of Hong Kong, 47% of the respondents support the universal suffrage option for LegCo put forth by 22 LegCo Members, i.e. half of the seats to be returned by a single-seat-single-vote system, while the other half by a proportional representation system, under which the whole of Hong Kong will form a single constituency, i.e. each voter will have two votes. 18% and 17%

- (iv) however, another opinion poll conducted by SCMP/TNS has indicated that only about 30% of the respondents support the proposal of adopting the mixed electoral model<sup>67</sup>.

4.12 Moreover, the opinion poll conducted by SCMP/TNS has asked whether the respondents support the abolition of FC seats in three phases from 2012 onwards. The result has indicated that more respondents are in support of the proposal<sup>68</sup>.

Models for Forming the Legislative Council by Universal Suffrage: Written Submissions<sup>69</sup>

4.13 We have analyzed the written submissions received from individual organizations and individuals.

4.14 Among about 18200 written submissions received during the public consultation period, about 14000 have put forth proposals regarding models for forming LegCo by universal suffrage. Among them, 12600 are standard responses initiated by 23 LegCo Members. These standard responses suggest that all LegCo seats should be returned by district-based direct elections, and that FC elections should not be retained in any form<sup>70</sup>.

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of the respondents have indicated “half-half” and “oppose” respectively (please refer to pages 153-164 of Appendix II).

<sup>67</sup> According to the opinion poll conducted from 15-30 August by SCMP/TNS, 32% of the respondents support the relevant proposal, while 22% oppose (please refer to page 224 of Appendix II).

<sup>68</sup> According to the opinion poll conducted from 15-30 August by SCMP/TNS, 44% of the respondents support the relevant proposal, while 23% do not (please refer to page 224 of Appendix II).

<sup>69</sup> We have also made reference to the motion relating to universal suffrage models for forming LegCo passed by the Sham Shui Po DC.

<sup>70</sup> The relevant justifications include:

- (i) only by replacing FCs with district-based direct elections will the electoral method comply with the international standards of universal and equal suffrage in terms of the right to vote and to be elected;
- (ii) with limited representativeness, the views reflected by FCs have discrepancy with the mainstream public views, or are slanted towards the

- 4.15 Excluding the standard responses, among the written submissions, there are relatively more views which support retaining the FC seats. Among these views, there are quite a number of views that the electoral method can be changed, in particular, quite a number of organizations representing the Election Committee subsectors and LegCo FCs<sup>71</sup> suggest that the FCs should be retained after universal suffrage for LegCo is implemented<sup>72</sup>.
- 4.16 Among the organizations representing the Election Committee subsectors and LegCo FCs which consider that FC seats should be retained, there are views that the electoral method should be changed to fulfil the principles of universal and equal suffrage<sup>73</sup>. There are also views that the electorate base of FCs should be expanded, for example, by replacing “corporate votes” with

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industrial and commercial sector and individual business which they represent; and

- (iii) the ability of LegCo to monitor the Government on behalf of the public can be enhanced by abolishing the FCs.

<sup>71</sup> For example, the Chinese General Chamber of Commerce, Hong Kong Construction Association, Hong Kong General Chamber of Commerce, the Chinese Manufacturers’ Association of Hong Kong, Textile Council of Hong Kong, Hong Kong Catering Industry Association, the Hong Kong Chinese Importers’ & Exporters’ Association, the Hong Kong Chinese Enterprises Association, Employers’ Federation of Hong Kong, and Federation of Hong Kong Industries have put forth the relevant proposals. Please refer to Appendix I (LC18) and Appendix III (A2684, A0948, A1571, A2499, A0362, A1838, A0268, A2333 and A1932 respectively) for details.

<sup>72</sup> The relevant justifications include:

- (i) FC Members have in-depth knowledge about the sectors or professions which they represent, and are able to provide professional opinion to enhance the work effectiveness of LegCo;
- (ii) there will be balanced participation of various sectors in LegCo, which can help meet the interests of different sectors of society; and
- (iii) various sectors of the community can all be represented in LegCo, which can help maintain Hong Kong’s prosperity and stability.

<sup>73</sup> For example, Hong Kong Construction Association, Hong Kong General Chamber of Commerce and the Chinese Manufacturers’ Association of Hong Kong have put forth the relevant proposals. Please refer to Appendix III (A2684, A0948 and A1571 respectively) for details.



“director’s/individual votes”<sup>74</sup>.

## Conclusion

- 4.17 Regarding the models, roadmap and timetable for forming LegCo by universal suffrage, LegCo, various sectors of the community and the public hold diverse views, and no mainstream view can be formed at this stage.
- 4.18 Various political parties/groups in LegCo and independent Members have not formed any mainstream view on the models for forming LegCo by universal suffrage at this stage: DAB considers it necessary to study the issue further, while Liberal Party and Dr Hon Lui Ming-wah of the Alliance consider that the FCs should be abolished in phases.
- 4.19 FTU, Hon Bernard Chan, Hon Abraham Shek, Ir Dr Hon Raymond Ho and Prof Hon Patrick Lau of the Alliance, HKFLU (represented by Hon Li Fung-ying)<sup>75</sup>, Heung Yee Kuk and the Chinese General Chamber of Commerce (represented by Dr Hon Philip Wong) suggest that consideration should be given to retaining the FC seats.
- 4.20 Twenty-three LegCo Members and LSD suggest that the FC seats should be abolished in one go, but have diverse views on how this should be implemented.
- 4.21 Various opinion polls have indicated that views of the respondents are very diverse on the ultimate model for forming LegCo by universal suffrage, on whether the FCs should be retained, and on whether and how transitional arrangements should be put in place to attain universal suffrage in phases. Different options have received various levels of support.

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<sup>74</sup> For example, Textile Council of Hong Kong, the Hong Kong Chinese Importers’ & Exporters’ Association, the Hong Kong Chinese Enterprises Association, Employers’ Federation of Hong Kong, and Federation of Hong Kong Industries have put forth the relevant proposals. Please refer to Appendix III (A2499, A1838, A0268, A2333 and A1932 respectively) for details.

<sup>75</sup> HKFLU suggests that each voter should only have one vote – to vote either in GC or FC. Please refer to Appendix I (LC19) for details.

- 4.22 Among the organizations which have put forth written submissions, quite a number of those representing sectors of the Election Committee subsectors and the FCs suggest that FCs should be retained after universal suffrage for LegCo is implemented.
- 4.23 Hence, it is evident that there is no two-thirds majority support in LegCo at this stage for FC seats to be abolished whether in one go or in phases and the specific method for doing so.

## **Chapter Five : Roadmap and Timetable for Implementing Universal Suffrage for Electing the Chief Executive and for Forming the Legislative Council**

- 5.01 Regarding the roadmap and timetable for implementing universal suffrage for the CE and LegCo, this should be considered in the light of the actual situation in the HKSAR and in accordance with the principle of gradual and orderly progress. One of the important considerations is whether universal suffrage should be attained in one go.
- 5.02 In considering the roadmap and timetable for implementing universal suffrage for electing the CE, the most important issue is whether the existing electoral model (i.e. an 800-member Election Committee):
- (i) should be transformed to universal suffrage in one go by forming the nominating committee directly; or
  - (ii) should be transformed to universal suffrage by first going through a transitional phase.
- 5.03 In this regard, the proposals received previously were categorized in the Green Paper as the following three types of options:
- (i) forming the nominating committee directly in 2012 to attain universal suffrage;
  - (ii) going through a transitional phase and attaining universal suffrage in 2017; and
  - (iii) going through a transitional phase and attaining universal suffrage after 2017.
- 5.04 As for the roadmap and timetable for implementing universal suffrage for forming LegCo, the major consideration is whether:
- (i) universal suffrage for LegCo should be attained in one go; or
  - (ii) universal suffrage for LegCo should be attained in phases.

- 5.05 In this regard, the proposals received previously were categorized in the Green Paper as the following three types of options:
- (i) attaining universal suffrage in one go in 2012;
  - (ii) attaining universal suffrage in phases in 2016; and
  - (iii) attaining universal suffrage in phases after 2016.
- 5.06 Regarding the roadmap and timetable for electing the CE and for forming LegCo by universal suffrage, we have gathered views from various political parties/groups in LegCo, as well as various organizations and individuals of the community during the public consultation period. We have assessed whether consensus on the relevant issues can be formed within the community based on the objective criteria described in paragraph 1.17 above.
- 5.07 Paragraphs 5.08-5.26 below consolidate the written proposals put forth by LegCo Members, motions passed by the 18 DCs and the relevant views, findings of the relevant opinion polls, and written submissions put forth by organizations and individuals. The full set of all written submissions received, the extracts of meeting notes of the 18 District Councils, and the opinion polls are provided in Appendices I to III to this Report.

### Legislative Council

**In LegCo, less than half of all the Members support the implementation of dual universal suffrage in 2012. Half of all LegCo Members support that, following the direction of “resolving the simple issues before the difficult ones”, universal suffrage for the CE should be implemented first by no later than 2017, in 2017 or after 2017, and that universal suffrage for LegCo should follow thereafter.**

- 5.08 Written submissions on the roadmap and timetable for electing the CE and for forming LegCo by universal suffrage put forth by the political parties/groups in LegCo and independent Members include<sup>76</sup>:

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<sup>76</sup> Although Hon Rita Fan has not put forth written proposal during the Green Paper public consultation period, she put forth her written submission on the issue of universal suffrage to the Constitutional Development Task Force in 2004.

- (i) DAB considers that, following the principles of “resolving the simple issues before the difficult ones” and “gradual and orderly progress”, and in accordance with the Basic Law, it is appropriate to go through a transitional phase in 2012 and implement universal suffrage for the CE in 2017. DAB also suggests that universal suffrage for the CE should be implemented first. Thereafter, in the light of the actual situation, the existing method for forming LegCo and the procedures for voting can be reformed in two or three phases, and finally universal suffrage for LegCo can be implemented<sup>77</sup>;
- (ii) Liberal Party supports that constitutional development in Hong Kong should progress in a gradual and orderly manner in accordance with the principle of “resolving the simple issues before the difficult ones”. If the relevant conditions have ripened, the election of the CE by universal suffrage can be implemented by no later than 2017. As to forming LegCo by universal suffrage, Liberal Party considers that universal suffrage can be implemented in three stages starting, at the earliest, in the term following the election of the CE by universal suffrage<sup>78</sup>;
- (iii) twenty-three LegCo Members consider that both the CE and LegCo should be returned by universal suffrage in 2012<sup>79</sup>;

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Regarding the universal suffrage timetable for the CE, she has proposed that in the light of the actual situation that political party politics has become mature, the CE can be nominated by the nominating committee for election by universal suffrage in 2012 at the earliest. As for the universal suffrage timetable for LegCo, she has proposed that, from 2012 onwards, candidates running for FC seats should be nominated by the constituents of the respective FCs for election by universal suffrage. This should be done in three phases i.e. all FC members will be returned through election by universal suffrage in 2020. Please refer to Appendix I (LC18) for details.

<sup>77</sup> Please refer to Appendix I (LC10-11) for details.

<sup>78</sup> Please refer to Appendix I (LC30-31) for details.

<sup>79</sup> Please refer to Appendix I (LC28-29) for details.

- (iv) LegCo Members of the Alliance have expressed the following views:
- (a) within the insurance sector represented by Hon Bernard Chan, more people support the implementation of universal suffrage for the CE in 2017 and that for LegCo in 2016<sup>80</sup>;
  - (b) Hon Abraham Shek considers that, following the principle of “resolving the simple issues before the difficult ones”, implementation of universal suffrage for the CE should be implemented when the relevant conditions have ripened. Reform of the LegCo election can then be pursued in the light of the actual situation. He considers that universal suffrage for the election of the CE should not be attained earlier than in 2017<sup>81</sup>;
  - (c) Dr Hon Lui Ming-wah considers that it is appropriate to adopt the principle of “resolving the simple issues before the difficult ones” and that universal suffrage for the CE should be implemented first. He considers that universal suffrage for the CE should be attained by no later than 2017. As for the formation of LegCo by universal suffrage, he considers that this should be attained in phases only after universal suffrage for the CE has been implemented smoothly<sup>82</sup>;
  - (d) Ir Dr Hon Raymond Ho suggests implementing universal suffrage for the CE by no later than 2017. As for universal suffrage for LegCo, he considers that, in 2016, FCs should be retained and a review should be conducted<sup>83</sup>;

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<sup>80</sup> Please refer to Appendix I (LC1) for details.

<sup>81</sup> Please refer to Appendix I (LC5) for details.

<sup>82</sup> Please refer to Appendix I (LC4) for details.

<sup>83</sup> Please refer to Appendix I (LC2) for details.

- (e) Prof Hon Patrick Lau suggests that universal suffrage for the CE should be attained as early as possible, i.e. in 2012 or by no later than 2017. He also suggests that universal suffrage for forming LegCo should be implemented as early as possible, i.e. in 2012 or by no later than 2016<sup>84</sup>;
- (v) FTU suggests adopting the method of “resolving the simple issues before the difficult ones” in taking forward constitutional development towards universal suffrage. Universal suffrage for the CE can be attained in 2017, so that sufficient time can be allowed for making the relevant preparations. Since the necessary conditions for forming LegCo by universal suffrage are more complicated, FTU suggests that this should take place after 2016. As to when universal suffrage for LegCo should be attained, this will depend on the actual situation of Hong Kong<sup>85</sup>;
- (vi) LSD considers that the CE should be elected by universal suffrage in 2012, and that LegCo should be formed by universal suffrage in 2008 with all the FC seats abolished<sup>86</sup>;
- (vii) HKFLU (represented by Hon Li Fung-ying) suggests implementing universal suffrage for the CE and LegCo in 2012 and 2016 respectively<sup>87</sup>;
- (viii) Heung Yee Kuk (including Hon Lau Wong-fat, Hon Daniel Lam and Hon Cheung Hok-ming) considers that universal suffrage for the CE should be dealt with first, according to the principle of “resolving the simple issues before the difficult ones”, before dealing with the issue of universal

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<sup>84</sup> Please refer to Appendix I (LC3) for details.

<sup>85</sup> Please refer to Appendix I (LC40) for details.

<sup>86</sup> Please refer to Appendix I (LC23-26) for details. However, in the Decision of the NPCSC made on 26 April 2004, it was promulgated that the election of the fourth term LegCo of the HKSAR in 2008 should not be by means of an election of all the members by universal suffrage.

<sup>87</sup> Please refer to Appendix I (LC19) for details.

suffrage for LegCo. Heung Yee Kuk suggests that we should first put in place transitional arrangements in 2012 and review the effectiveness, and following that, consideration can be given to implementing universal suffrage for the CE in 2017. As for universal suffrage for LegCo, it should be attained only after universal suffrage for the CE has been successfully implemented for a period of time. Heung Yee Kuk suggests that consideration can be given to implementing universal suffrage for LegCo for the first time in 2024 or thereafter<sup>88</sup>;

- (ix) the Chinese General Chamber of Commerce (represented by Dr Hon Philip Wong) considers it more appropriate to implement universal suffrage for the CE after 2017. As for universal suffrage for the LegCo, the Chamber considers that it is not yet the right time to suggest a timetable, and proposes that, according to the principles of “gradual and orderly progress” and “resolving the simple issues before the difficult ones”, it will be more realistic to consider the model and timetable for forming LegCo by universal suffrage after universal suffrage for the CE has been implemented successfully<sup>89</sup>; and
- (x) Hon Timothy Fok suggests that, in the light of Hong Kong’s actual situation and according to the principles of “resolving the simple issues before the difficult ones” and “implementing universal suffrage for the CE first”, universal suffrage for the CE should be implemented by no later than 2017. As for universal suffrage for LegCo, he suggests that this should be considered after implementation of universal suffrage for the CE<sup>90</sup>.

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<sup>88</sup> Please refer to Appendix I (LC32) for details.

<sup>89</sup> Please refer to Appendix I (LC8) for details.

<sup>90</sup> Please refer to Appendix I (LC20) for details.



## District Councils<sup>91</sup>

- 5.09 Among the 18 DCs, more than two-thirds support that universal suffrage for the CE should precede that for LegCo by following the direction of “resolving the simple issues before the difficult ones”<sup>92</sup>.
- 5.10 Regarding the specific universal suffrage timetable, more than two-thirds of the DCs support the implementation of universal suffrage for the CE by no later than 2017 or in 2017<sup>93</sup>, whereas universal suffrage for the LegCo should be implemented following that for the CE.

## Opinion Polls

**Various opinion polls have indicated that more than half of the respondents support the implementation of universal suffrage for the CE and LegCo in 2012. However, at the same time, about 60% of the respondents accept the implementation of universal suffrage for the CE in 2017, if this cannot be attained in 2012, and more than half of the respondents accept the implementation of universal suffrage for LegCo in 2016 or thereafter, if this cannot be attained in 2012.**

**Also, various opinion polls have indicated that more than half of the respondents support that universal suffrage for the CE can precede that for LegCo.**

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<sup>91</sup> Among the 18 DCs, except for Tsuen Wan, Yau Tsim Mong and Wong Tai Sin DCs, the other 15 DCs have passed motions relating to the issue of universal suffrage.

<sup>92</sup> Among the 18 DCs, 15 have passed motions relating to the issue of universal suffrage, and among these 15 DCs, 13 support that universal suffrage for the CE should precede that for LegCo by following the direction of “resolving the simple issues before the difficult ones”, one supports implementing universal suffrage for both the CE and LegCo in 2012, one expresses support for implementing dual universal suffrage in 2012 at the earliest, but universal suffrage for the CE and LegCo should be implemented by no later than 2017 and 2020 respectively. Please refer to Appendix I (DC1-18) for details.

<sup>93</sup> Among the 18 DCs, 15 have passed motions relating to the issue of universal suffrage, and among these 15 DCs, 13 support the implementation of universal suffrage for the CE by no later than 2017 or in 2017, one supports the implementation of universal suffrage for the CE in 2012 and one indicates no specific timetable. Please refer to Appendix I (DC1-18) for details.

5.11 Various opinion polls on the roadmap and timetable for implementing universal suffrage for the CE and LegCo conducted during the public consultation period have indicated the following main points:

- (i) according to the opinion polls conducted by the Public Opinion Programme at the University of Hong Kong, the Public Governance Programme of Lingnan University, SCMP/TNS, the Hong Kong Research Association and Hong Kong Institute of Asia-Pacific Studies, the Chinese University of Hong Kong respectively, more respondents support the option of implementing universal suffrage for the CE in 2012, followed by the option of 2017, while the option of implementation after 2017 receives the least support<sup>94</sup>;

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<sup>94</sup> We have made reference to the following opinion polls:

- (i) the opinion poll conducted from 23-26 July by the Public Opinion Programme at the University of Hong Kong (please refer to pages 72-82 of Appendix II for details:
  - (a) about 37% of the respondents support forming the nominating committee directly in 2012 to attain universal suffrage;
  - (b) about 32% support going through a transitional phase and attaining universal suffrage in 2017; and
  - (c) about 20% support going through a transitional phase and attaining universal suffrage after 2017.
- (ii) the opinion poll conducted from 13-15 August by the Public Governance Programme of Lingnan University (please refer to pages 213-222 of Appendix II):
  - (a) about 45% of the respondents consider it more appropriate to implement universal suffrage for the CE in 2012;
  - (b) about 21% consider it more appropriate to implement universal suffrage for the CE in 2017; and
  - (c) about 15% consider it more appropriate to implement universal suffrage for the CE after 2017.
- (iii) the opinion poll conducted from 15-30 August by SCMP/TNS (please refer to page 224 of Appendix II):
  - (a) 60% of the respondents consider that the CE should be elected by universal suffrage in 2012;
  - (b) 20% consider that the CE should be elected by universal suffrage in 2017; and
  - (c) 11% consider that the CE should be elected by universal suffrage after 2017.

- (ii) according to the opinion poll conducted by Hong Kong Institute of Asia-Pacific Studies, the Chinese University of Hong Kong, among the respondents who consider it more appropriate to implement universal suffrage for the CE in 2012, more than 60% accept the implementation of universal suffrage for the CE in 2017, if this cannot be attained in 2012. Together with the respondents who support implementing universal suffrage in 2017 or after 2017, there are more than 70% of the respondents who accept implementing universal suffrage for the CE in 2017 or thereafter<sup>95</sup>;
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- (iv) the opinion poll conducted from 20-24 September by Hong Kong Institute of Asia-Pacific Studies, the Chinese University of Hong Kong (please refer to pages 11-15 of Appendix II):
  - (a) about 51% of the respondents consider it more appropriate to implement universal suffrage for the CE in 2012;
  - (b) about 21% consider it more appropriate to implement universal suffrage for the CE in 2017; and
  - (c) about 18% consider it more appropriate to implement universal suffrage for the CE after 2017.
- (v) the opinion poll conducted from 4-7 October by the Hong Kong Research Association (please refer to pages 209-212 of Appendix II):
  - (a) 42% of the respondents consider that the nominating committee should be formed directly in 2012 to attain universal suffrage;
  - (b) 30% consider that there should be a transitional phase before attaining universal suffrage in 2017; and
  - (c) 24% consider that there should be a transitional phase before attaining universal suffrage after 2017.

Moreover, we have made reference to the opinion poll conducted from 12-15 July by Ming Pao (with 348 respondents): 58% of the respondents support implementing universal suffrage for the CE in 2012; 19% support implementing universal suffrage for the CE in 2017; 23% support implementing universal suffrage for the CE after 2017 (please refer to page 223 of Appendix II). Also, according to the opinion poll conducted by the Middle Class Force from 28 August to 14 September (with 647 respondents who are the middle-class), 58% support implementing universal suffrage for the CE in 2012 (please refer to Appendix III A2653 for details).

<sup>95</sup> According to the opinion poll conducted from 20-24 September by Hong Kong Institute of Asia-Pacific Studies, the Chinese University of Hong Kong, among the respondents who consider it more appropriate to implement universal suffrage for the CE in 2012, about 64% accept the implementation of universal suffrage for the CE in 2017 if the Central Authorities in Beijing consider this more appropriate (please refer to pages 11-15 of Appendix II):

- (iii) another opinion poll conducted by the Hong Kong Research Association has also indicated that about 60% of the respondents accept the implementation of universal suffrage for the CE in 2017, if this cannot be attained in 2012<sup>96</sup>;
- (iv) according to the opinion polls conducted by Hong Kong Institute of Asia-Pacific Studies, the Chinese University of Hong Kong, the Public Opinion Programme at the University of Hong Kong, and the Hong Kong Research Association respectively, more respondents support the option of attaining universal suffrage for LegCo in one go in 2012, followed by the option of attaining universal suffrage in phases in 2016, while the option of attaining universal suffrage in phases after 2016 receives the least support;
- (v) however, in overall terms, according to the opinion polls conducted by Hong Kong Institute of Asia-Pacific Studies, the Chinese University of Hong Kong, the Public Opinion Programme at the University of Hong Kong and the Hong Kong Research Association respectively, about half of the respondents consider that universal suffrage for LegCo should be attained in phases in 2016 or thereafter, which is higher than the percentage of respondents who consider that universal suffrage should be attained in one go in 2012<sup>97</sup>;

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<sup>96</sup> According to the opinion poll conducted from 4-7 October by the Hong Kong Research Association, 56% of the respondents consider that the implementation of universal suffrage for the CE in 2012 cannot secure the endorsement of a two-thirds majority of all the members of LegCo; about 59% accept the implementation of universal suffrage for the CE in 2017, if this cannot be attained in 2012 (please refer to pages 209-212 of Appendix II).

<sup>97</sup> We have made reference to the following opinion polls:

- (i) the opinion poll conducted from 20-24 September by Hong Kong Institute of Asia-Pacific Studies, the Chinese University of Hong Kong (please refer to pages 11-15 of Appendix II):
  - (a) about 40% of the respondents consider it more appropriate to implement universal suffrage for LegCo in one go in 2012;
  - (b) 36% consider it more appropriate to implement universal suffrage for

- (vi) however, another opinion poll conducted by SCMP/TNS has indicated that, the percentage of respondents who consider that universal suffrage for LegCo should be attained in one go in 2012 is higher than those who consider universal suffrage should be attained in phases in 2016 or thereafter<sup>98</sup>;

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LegCo in phases in 2016; and

- (c) about 18% consider it more appropriate to implement universal suffrage for LegCo in phases after 2016.

However, a total of 54% of the respondents consider it more appropriate to attain universal suffrage for LegCo in phases in 2016 or thereafter, higher than the about 40% of respondents who consider that universal suffrage for LegCo should be attained in one go in 2012.

- (ii) the opinion poll conducted from 23-26 July by the Public Opinion Programme at the University of Hong Kong (please refer to pages 72-82 of Appendix II for details):
  - (a) about 42% of the respondents support the implementation of universal suffrage for LegCo in 2012;
  - (b) about 31% support the implementation of universal suffrage for LegCo in phases in 2016;
  - (c) 19% support the implementation of universal suffrage for LegCo in phases after 2016.

However, a total of 50% of the respondents support the implementation of universal suffrage for LegCo in phases in 2016 or thereafter, higher than the 42% of respondents who support the implementation of universal suffrage for LegCo in 2012.

- (iii) the opinion poll conducted from 4-7 October by the Hong Kong Research Association (please refer to pages 209-212 of Appendix II):
  - (a) 36% of the respondents consider that universal suffrage for LegCo should be attained in one go in 2012;
  - (b) 30% consider that universal suffrage for LegCo should be attained in phases in 2016; and
  - (c) 28% consider that universal suffrage for LegCo should be attained in phases after 2016.

However, a total of 58% of the respondents consider that universal suffrage for LegCo should be attained in phases in 2016 or thereafter, higher than the 36% of the respondents who consider that universal suffrage for LegCo should be attained in one go in 2012.

<sup>98</sup> According to the opinion poll conducted from 15-30 August by SCMP/TNS (please refer to page 224 of Appendix II):

- (vii) according to the opinion poll conducted by the Hong Kong Research Association, more than half of the respondents accept the implementation of universal suffrage for LegCo in 2016 or thereafter, if this cannot be attained in 2012<sup>99</sup>;
- (viii) according to the opinion polls conducted by the Public Governance Programme of Lingnan University and Hong Kong Institute of Asia-Pacific Studies, the Chinese University of Hong Kong respectively, more than half of the respondents agree that universal suffrage for the CE should precede that for LegCo<sup>100</sup>;

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- (i) 59% of the respondents consider that all the members of the LegCo should be elected by universal suffrage in 2012;
  - (ii) 18% consider that all the members of the LegCo should be elected by universal suffrage in 2016; and
  - (iii) 15% consider that all the members of the LegCo should be elected by universal suffrage after 2016.

Moreover, the opinion poll conducted from 12-15 July by Ming Pao (with 348 respondents) has indicated that, 56% of the respondents support implementing universal suffrage for LegCo in 2012, 19% support implementing universal suffrage for LegCo in 2016, 25% support implementing universal suffrage for LegCo after 2016 (please refer to page 223 of Appendix II). According to the opinion poll conducted from 28 August to 14 September by the Middle Class Force on 647 respondents who are the middle class, 63% support implementing universal suffrage for LegCo in 2012 (please refer to Appendix III A2653).

<sup>99</sup> According to the opinion poll conducted from 4-7 October by the Hong Kong Research Association, 57% of the respondents accept the implementation of universal suffrage for LegCo in 2016 or thereafter, if this cannot be attained in 2012; 29% do not (please refer to pages 209-212 of Appendix II).

<sup>100</sup> We have made reference to the following opinion polls:

- (i) according to the opinion poll conducted from 13-15 August by the Public Governance Programme of Lingnan University, 49% of the respondents agree that universal suffrage for the CE should precede that for LegCo; 30% disagree (please refer to pages 213-222 of Appendix II); and
- (ii) according to the opinion poll conducted from 20-24 September by Hong Kong Institute of Asia-Pacific Studies, the Chinese University of Hong Kong, about 60% of the respondents agree that universal suffrage for the CE should precede that for LegCo; 31% disagree (please refer to pages 11-15 of Appendix II).

- (ix) however, another opinion poll conducted by the Public Opinion Programme at the University of Hong Kong has indicated that more than half of the respondents support the implementation of universal suffrage for the CE and LegCo in 2012<sup>101</sup>.

#### Roadmap and Timetable for Implementing Universal Suffrage: Written Submissions

- 5.12 We have analyzed the written submissions received from individual organizations and individuals, as well as the signatures received from the public.
- 5.13 Among about 18200 written submissions received during the public consultation period, about 18000 have put forth proposals regarding the roadmap and timetable for implementing universal suffrage. Among them, about 12600 are standard responses initiated by 23 LegCo Members, which support the implementation of dual universal suffrage in 2012.
- 5.14 Also, we have received about 2000 submissions signed by about 5300 members of the public which support that universal suffrage for the CE should precede that for LegCo, and that universal suffrage for the CE should be attained by no later than 2017, in 2017 or after 2017.
- 5.15 Excluding the standard responses, among the written submissions, there are more views which support the implementation of universal suffrage for the CE preceding that for LegCo. Regarding the timetable for implementing universal suffrage for the CE, there are more views which support attaining universal suffrage in 2017 or after 2017. As for the timetable for implementing universal suffrage for LegCo, there are more views which support attaining universal suffrage after 2016.
- 5.16 We have also received more than 150000 signatures from the public indicating their views on the issue of universal suffrage timetable, including:

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<sup>101</sup> According to the opinion poll conducted from 2-5 October by the Public Opinion Programme at the University of Hong Kong, 58% and 67% of the respondents support the implementation of universal suffrage for the CE and LegCo in 2012 respectively (please refer to pages 153-164 of Appendix II).

- (i) more than 130000 signatures from the public indicating support for the implementation of universal suffrage for the CE preceding that for LegCo;
- (ii) more than 56000 signatures indicating support for implementing universal suffrage for the CE by no later than 2017 or in 2017; and
- (iii) more than 94000 signatures indicating support for implementing universal suffrage for the CE after 2017.

5.17 Among the signatures received, there are also about 2400 which indicate support for implementing dual universal suffrage in 2012.

## **Conclusion**

5.18 The community generally hopes that progress can be made at an early date regarding the implementation of universal suffrage. Under the circumstances that consensus has not yet been formed on the implementation of universal suffrage for LegCo, different opinion polls have indicated that more than half of the respondents hope that universal suffrage for the CE can precede that for LegCo.

5.19 Currently, in LegCo, less than half of the Members support the implementation of universal suffrage for the CE and LegCo in 2012<sup>102</sup>. It will be difficult to secure endorsement for this by a two-thirds majority of all members of the LegCo at this stage.

5.20 Half of all LegCo Members support that universal suffrage for the CE should be implemented first by no later than 2017, in

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<sup>102</sup> Only 23 LegCo Members and LSD support implementing dual universal suffrage in 2012. DAB, Liberal Party, Hon Bernard Chan, Hon Abraham Shek, Dr Hon Lui Ming-wah and Ir Dr Hon Raymond Ho of the Alliance, FTU, HKFLU (represented by Hon Li Fung-ying), the Chinese General Chamber of Commerce (represented by Dr Hon Philip Wong), Heung Yee Kuk (including Hon Lau Wong-fat, Hon Daniel Lam and Hon Cheung Hok-ming) and Hon Timothy Fok have already indicated that they do not support the proposal.



2017 or after 2017<sup>103</sup>, and that universal suffrage for LegCo should follow thereafter<sup>104</sup>. However, as for the timetable for implementing universal suffrage for LegCo, quite a number of political parties/groups in LegCo and independent Members have not put forth any specific proposals<sup>105</sup>.

- 5.21 Motions have been passed in more than two-thirds of all DCs, supporting that universal suffrage for the CE should be implemented first by no later than 2017 or in 2017, and that universal suffrage for LegCo should follow thereafter.
- 5.22 Opinion polls have indicated that more than half of the respondents support implementation of universal suffrage for the CE and LegCo in 2012. Among about 18200 written submissions received, about 12600 standard responses support attaining universal suffrage in 2012.

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<sup>103</sup> Liberal Party, Dr Hon Lui Ming-wah and Ir Dr Hon Raymond Ho of the Alliance and Hon Timothy Fok support the implementation of universal suffrage for the CE by no later than 2017. Prof Hon Patrick Lau of the Alliance suggests implementing universal suffrage for the CE in 2012 or by no later than 2017. Moreover, DAB, Hon Bernard Chan of the Alliance, FTU and Heung Yee Kuk (including Hon Lau Wong-fat, Hon Daniel Lam and Hon Cheung Hok-ming) support the implementation of universal suffrage for the CE in 2017. Hon Abraham Shek of the Alliance and the Chinese General Chamber of Commerce (represented by Dr Hon Philip Wong) consider that universal suffrage for the CE should be implemented no earlier than 2017 or after 2017.

<sup>104</sup> Although the 23 LegCo Members and LSD consider that dual universal suffrage should be implemented as early as possible, DAB, Liberal Party, Hon Abraham Shek, Dr Hon Lui Ming-wah and Ir Dr Hon Raymond Ho of the Alliance, FTU, HKFLU (represented by Hon Li Fung-ying), Heung Yee Kuk (including Hon Lau Wong-fat, Hon Daniel Lam and Hon Cheung Hok-ming), the Chinese General Chamber of Commerce (represented by Dr Hon Philip Wong) and Hon Timothy Fok support that, in accordance with the principle of “resolving the simple issues before the difficult ones”, universal suffrage for the CE should precede that for LegCo.

<sup>105</sup> Twenty-three LegCo Members and LSD consider that universal suffrage for LegCo should be attained in 2012 or before 2012. Prof Hon Patrick Lau of the Alliance suggests implementing universal suffrage for LegCo in 2012 or by no later than 2016. Hon Bernard Chan of the Alliance and HKFLU (represented by Hon Li Fung-ying) support attaining universal suffrage for LegCo in 2016. Heung Yee Kuk (including Hon Lau Wong-fat, Hon Daniel Lam and Hon Cheung Hok-ming) suggests attaining universal suffrage for LegCo in 2024 or thereafter. Other political parties/groups in LegCo and independent Members have not put forth any specific proposals.

- 5.23 At the same time, about 60% of the respondents accept the implementation of universal suffrage for the CE in 2017, if this cannot be attained in 2012.
- 5.24 As for the timetable for implementing universal suffrage for LegCo, different opinion polls have indicated that more than half of the respondents accept the implementation of universal suffrage for LegCo in 2016 or thereafter, if this cannot be attained in 2012.
- 5.25 Although various opinion polls have indicated that more respondents consider that universal suffrage for LegCo should be attained in 2012, the concerned opinion polls have indicated at the same time that more respondents consider that universal suffrage should be attained in phases rather than in one go. This demonstrates that the public has not formed any mainstream view at this stage on when universal suffrage for LegCo should be attained and whether it should be attained in phases.
- 5.26 More than 150000 signatures received from the public have indicated support for implementing universal suffrage for the CE by no later than 2017, in 2017 or after 2017; and among these signatures, more than 130000 have indicated support that universal suffrage for the CE should precede that for LegCo.

## Chapter Six : Conclusion and Recommendations

### Summary of Views

6.01 Regarding the models, roadmap and timetable for implementing universal suffrage for the CE and LegCo, the views received during the Green Paper public consultation period are summarized below.

- (i) The people of Hong Kong have keen expectation for attaining the aim of universal suffrage in accordance with the Basic Law. Members of the public, political parties, LegCo Members, District Councils and different sectors of the community support that the plan for implementing universal suffrage, particularly the universal suffrage timetable, should be determined at an early date. This can help minimize internal debates on constitutional development and will be conducive to the long term stability and development of Hong Kong.

#### Models for Electing the Chief Executive by Universal Suffrage

- (ii) Regarding the models for electing the CE by universal suffrage, there are relatively more views that the formation of the nominating committee for nominating CE candidates may make reference to the existing Election Committee for electing the CE.
- (iii) Various political parties/groups in LegCo and independent Members support the formation of CE nominating committee by 800 or more than 800 members (for example, by increasing the number of members to 1200 or 1600). Opinion polls have indicated that more respondents consider that the nominating committee should be formed by more than 800 members.
- (iv) There are relatively more views that it would be appropriate to have two to four CE candidates at most.
- (v) The community generally agrees that, after the CE candidates have been nominated in accordance with democratic procedures, the CE should be elected by

universal suffrage on the basis of one-person-one-vote. As to whether one or more rounds of election should be held, and whether the election proceedings should continue if there is only one candidate, further discussions will be necessary.

### Models for Forming the Legislative Council by Universal Suffrage

- (vi) As for the models, roadmap and timetable for implementing universal suffrage for LegCo, LegCo, various sectors of the community and the public hold diverse views, and no mainstream view can be formed at this stage.

### Roadmap and Timetable for Implementing Universal Suffrage

- (vii) The community generally hopes that progress can be made at an early date regarding the implementation of universal suffrage. Under the circumstances that consensus has not yet been formed on the implementation of universal suffrage for LegCo, different opinion polls have indicated that more than half of the respondents hope that universal suffrage for the CE can precede that for LegCo.
- (viii) Currently, in LegCo, less than half of the Members support the implementation of universal suffrage for the CE and LegCo in 2012. Half of all LegCo Members support that universal suffrage for the CE should be implemented first by no later than 2017, in 2017 or after 2017, and that universal suffrage for LegCo should follow thereafter.
- (ix) Also, motions have been passed in more than two-thirds of all District Councils, supporting that universal suffrage for the CE should be implemented first by no later than 2017 or in 2017, and that universal suffrage for LegCo should follow thereafter.

- (x) Opinion polls have indicated that more than half of the respondents support implementation of universal suffrage for the CE and LegCo in 2012. Among about 18200 written submissions received, about 12600 submissions with the same content (standard responses) support universal suffrage in 2012.
- (xi) At the same time, about 60% of the respondents accept the implementation of universal suffrage for the CE in 2017, if this cannot be attained in 2012<sup>106</sup>.
- (xii) As for the timetable for implementing universal suffrage for LegCo, different opinion polls have indicated that more than half of the respondents accept the implementation of universal suffrage for LegCo in 2016 or thereafter, if this cannot be attained in 2012<sup>107</sup>.
- (xiii) More than 150000 signatures received from the public have indicated support for implementing universal suffrage for the CE by no later than 2017, in 2017 or after 2017; and among these signatures, more than 130000 have indicated support that universal suffrage for the CE should precede that for LegCo.

## **Conclusion and Recommendations**

6.02 The HKSAR Government established the Task Force on Constitutional Development in 2004 to promote active discussions about Hong Kong's constitutional development within the community. The Task Force put forth a package of proposals in 2005 to enhance the democratic elements of the two electoral methods for 2007/08. In November 2005, we

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<sup>106</sup> However, the opinion poll conducted from 2-5 October by the Public Opinion Programme at the University of Hong Kong has indicated that more than half of the respondents support the implementation of universal suffrage for the CE in 2012.

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continued to promote discussions within the community on the issue of universal suffrage through the Commission on Strategic Development. Following that, the HKSAR Government consulted the public again on Hong Kong's constitutional development through the release of a green paper – the first time such a vehicle was adopted on the issue of universal suffrage. The community has been engaged in wide-ranging and in-depth discussions. The HKSAR Government has sought to forge consensus within the community through different avenues in order to attain the aim of universal suffrage as early as possible in accordance with the Basic Law.

6.03 The results of this public consultation have indicated that the people of Hong Kong adopt a pragmatic attitude towards the issue of universal suffrage. There is general expectation within the community that the electoral system of the HKSAR can be further democratized and that the ultimate aim of universal suffrage can be attained as early as possible in accordance with the Basic Law. Having considered the views of LegCo, District Councils, organizations and individuals from various sectors, as well as members of the public in totality and, after thorough deliberation, the Chief Executive has come to the view that the community generally hopes that the universal suffrage timetable can be determined early, so as to set the course for Hong Kong's constitutional development. Implementing universal suffrage for the CE first in 2012 is the expectation of more than half of the public, as reflected in the opinion polls; this expectation should be taken seriously and given consideration. At the same time, implementing universal suffrage for the CE first by no later than 2017 will stand a better chance of being accepted by the majority in our community.

6.04 Although there are still diverse views on the models for implementing universal suffrage for the CE within the community, consensus has begun to emerge on taking forward universal suffrage towards the direction of implementing universal suffrage for the CE first, to be followed by that for LegCo. As for the models for forming LegCo by universal suffrage and how the functional constituencies should be dealt with, views are still very diverse. However, setting the timetable for implementing universal suffrage for the CE and LegCo can help promote the ultimate resolution of the issues involved.

- 6.05 On the basis of the above conclusion, the CE considers that, in order to realize the aim of universal suffrage as provided for in the Basic Law, there is a need to amend the methods for selecting the CE and for forming LegCo in 2012.
- 6.06 In accordance with Articles 45 and 68 of the Basic Law, Annexes I and II to the Basic Law, and the Interpretation adopted on 6 April 2004, the CE now requests the Standing Committee of the National People's Congress to confirm that the methods for selecting the Chief Executive of the Hong Kong Special Administrative Region and for forming the Legislative Council of the Hong Kong Special Administrative Region in 2012 may be amended.