

**Opening Remarks by the Chief Secretary for Administration
on the Report by the Chief Executive of the HKSAR
to the Standing Committee of the National People's Congress
and the Report on the Public Consultation
on the Methods for Selecting the Chief Executive in 2017
and for Forming the Legislative Council in 2016
at the Special House Committee Meeting of the Legislative Council
on 15 July 2014**

Chairman,

Today, the Chief Executive (CE) has made a report to the Standing Committee of the National People's Congress (NPCSC) to invite the NPCSC to determine whether there is a need to amend the methods for selecting the CE in 2017 and for forming the Legislative Council (LegCo) in 2016 (CE's Report to the NPCSC). Concurrently, the Government of the Hong Kong Special Administrative Region (HKSAR) has published the Report on the Public Consultation on the Methods for Selecting the Chief Executive in 2017 and for Forming the Legislative Council in 2016 (Consultation Report). The CE, together with the Task Force on Constitutional Development (Task Force), would meet the press to give a briefing on the two reports later.

2. The LegCo has a vital constitutional role to play in the constitutional development of Hong Kong. Hence, we take the earliest opportunity to come to LegCo today to brief Members on the details of the two reports. I am grateful for the agreement of the LegCo President and the Chairman of the House Committee to convene this special meeting.

Public Consultation Exercise

3. On 4 December last year, the HKSAR Government published the Consultation Document on the Methods for Selecting the Chief Executive in 2017 and for Forming the Legislative Council in 2016 and launched a five-month public consultation to prepare for the constitutional procedures to be taken by the CE as regards whether there is a need to amend the two electoral methods.

4. During the public consultation period, the Task Force led by me consulted the community widely through different channels so as to collect views on the methods for selecting the CE in 2017 and for forming the LegCo in 2016 from among the LegCo, District Councils,

organisations and individuals of different sectors of the community, as well as members of the public. The HKSAR Government adopts an open, inclusive and pragmatic mind in listening to views from different sectors of the community. We hope the community could “talk and achieve universal suffrage” together on the basis of the Basic Law and the relevant Interpretation and Decisions of the NPCSC.

5. During the five-month consultation period, the Task Force, together with the relevant politically appointed officials and colleagues from the civil service, attended a total of 226 consultation and district events, which included special meetings of the LegCo Panel on Constitutional Affairs, the meetings of all 18 District Councils, as well as a number of meetings with different political parties or groups and the Members of the LegCo with a view to having mutual and direct exchanges on constitutional development issues. We also went directly to the community to listen to the views of members of the public and the local personalities. On behalf of the HKSAR Government, I would like to express my heartfelt gratitude to all the Members of the LegCo and District Councils, as well as organisations and individuals from different sectors for their valuable views made during the consultation period.

Consultation Report

6. During the public consultation period, we received a total of about 124 700 submissions from different groups and individuals. The number of submissions received was two and a half times that of the last public consultation on constitutional development. I would like to express my appreciation to my fellow colleagues for organising different types of publicity events so as to enable the general public to have a better understanding of the relevant provisions of the Basic Law and the key issues pertaining to the two electoral methods. They have also processed and analysed a huge number of written submissions in a professional and objective manner and rendered assistance to the Task Force in completing this consultation exercise and in compiling the Consultation Report.

7. Today, the CE has submitted his Report to the NPCSC together with the Consultation Report. The Consultation Report has comprehensively summarised the views expressed by the LegCo, District Councils, organisations of different sectors in the community and individuals, as well as relevant opinion polls conducted by different organisations during the consultation period. Apart from the two reports, we have also included all the written submissions received and relevant

opinion polls conducted during the consultation period in 45 volumes of appendices to the Consultation Report. They have all been uploaded to the website on constitutional development (www.2017.gov.hk) for public inspection.

8. The Consultation Report includes analyses of the views received during the consultation period according to the key issues set out in the Consultation Document published by the Task Force last December. To reflect truthfully the views received and to be objective and fair, apart from presenting the majority or more common views of the community, the Consultation Report has also set out other views collected as far as practicable.

9. As regards the key issues relating to the methods for selecting the CE in 2017 and for forming the LegCo in 2016, the CE's Report to NPCSC and the Consultation Report set out the following major observations and conclusion:

Overall Views

- (i) The Hong Kong community is generally eager to see the implementation of universal suffrage for the CE election in 2017.
- (ii) The community generally agrees that the discussion should be made on the basis of the Basic Law and the relevant Interpretation and Decisions of the NPCSC, and in a rational and pragmatic manner, with a view to forging consensus for attaining universal suffrage for the CE election.
- (iii) The community generally agrees that successful implementation of universal suffrage for the CE election in 2017 will bring about positive impact on the policy implementation, economy, and livelihood matters in Hong Kong in the future, and hence sustained development and the long-term prosperity and stability for Hong Kong.
- (iv) The community generally agrees that the CE should be a person who "loves the Country and loves Hong Kong".

Method for Selecting the Chief Executive

- (v) The mainstream opinion is that Article 45 of the Basic Law has already made clear that the power to nominate CE candidates is vested in the nominating committee (NC) only, and that the NC has a substantive power to nominate. Such power of nomination must not be undermined or bypassed directly or indirectly.
- (vi) As regards the composition of the NC, there are relatively more views that the composition of the NC should be decided by reference to the existing methods of forming the Election Committee (EC), i.e., composed of four sectors in equal proportions, in order to meet the requirement for being broadly representative. At the same time, there are considerable views that the number of seats of the NC could be suitably increased pro rata across the four sectors to accommodate new subsectors or to enhance the representativeness of existing subsectors. However, there are also quite a number of views that the NC should be of the same size as the current EC, i.e., 1 200 members; and that if there is a need to increase its size, the total number of members should not exceed 1 600.
- (vii) There are different views on how the NC should nominate CE candidates in accordance with “democratic procedures”. Some consider that the nominating procedures may be divided into two stages: in the first stage, the persons contending for nomination shall be recommended by a certain number of NC members; and in the second stage, the NC shall nominate a number of candidates amongst the persons so recommended. There are quite a number of views considering that a person contending for nomination has to obtain support from at least a certain proportion of members of the NC in order to formally become a candidate, so as to demonstrate that such a person has cross-sector support in the NC, to reflect the democratic principle of “the majority rule”, and to meet the requirement of the NC to nominate as an organisation. Some however consider that the nomination threshold should remain at one-eighth of the membership, like the existing EC. There are other proposals from some organisations and individuals on nomination thresholds and nominating procedures, including proposals introducing “civic nomination”, “party nomination”, etc., outside of the NC.

- (viii) Regarding the number of CE candidates, there are two major views. One of the views is that there is a need to ensure the solemnity of the election and allow voters to have sufficient understanding of the candidates' manifestoes and missions, and hence it is necessary to fix the number of candidates. The other view is that there is no need to restrict the number of candidates. Of those who consider that there is a need to set the number of candidates, some suggest to set the number of candidates at two to three since the number of candidates in the past CE elections was around two to three; while some put forward other numbers of candidates.
- (ix) Regarding the voting arrangements for electing the CE by universal suffrage, there are relatively more views that there should be two rounds of voting, i.e., to require a candidate to obtain more than half of the total number of valid votes in order to be elected, so as to enhance the legitimacy of the candidate returned by election; while some views consider that only one round of voting using the simple majority method should be held to elect the CE-elect.

Method of Forming the Legislative Council

- (x) The public generally agrees that since the successful implementation of universal suffrage of the CE election in 2017 is a pre-condition for the election of all Members of the LegCo by universal suffrage, efforts should now be focused on the proper handling of universal suffrage for the CE election. Moreover, as relatively substantial amendments had been made to the method for forming the LegCo in 2012, it is generally agreed that there is no need to amend Annex II to the Basic Law regarding the method for forming the LegCo in 2016.

10. Irrespective of the analysis of the Consultation Report or Members' personal experience in the past six months, I believe we have all felt how heated the debate on constitutional development is among various sectors of the community. On certain key issues, the positions of and views expressed by people from different political spectrum and different stakeholders in the community differ considerably. To narrow the differences, forge consensus and secure the passage of the proposal by a two-thirds majority of all the Members of the LegCo is definitely a daunting task. This notwithstanding, I think both the LegCo and the

Government should make our best efforts to take up our respective constitutional responsibilities, secure the timetable for universal suffrage as clearly provided by the NPCSC in 2007 and implement universal suffrage for the CE election in accordance with the law in 2017 as scheduled. This is the solemn commitment of the Central Authorities. Leaders of the State have repeatedly stressed in public occasions that it is the sincere wish of the Central Authorities that Hong Kong could attain the aim of implementing universal suffrage for the CE election in accordance with the law as scheduled. For the present constitution development exercise, the prime objective of the CE and the entire Government is to allow over five million eligible voters in Hong Kong to select the next term CE through “one person, one vote” in 2017. This is the common aspiration of the Central Authorities, the HKSAR Government and the people of Hong Kong.

11. The Consultation Report truthfully reflects various views and suggestions made by the people of Hong Kong on how to implement universal suffrage for the CE election, and their views on certain key issues are quite divergent. Besides, as mentioned in the CE’s Report to NPCSC, we are aware that after the conclusion of the first round of public consultation, a number of groups and members of the public still expressed their wishes and aspirations concerning the implementation of universal suffrage for the CE election in 2017 through different ways and channels, and their views remain divergent.

12. Regarding the key issue on the nominating procedures, although there were professional bodies of the legal sector and other members of the public pointing out during the consultation period that “civic nomination” was not in compliance with the Basic Law, it is worth noting that, after the consultation period, there were still considerable views as expressed through participation in polling activities held by civic organisations and the “July 1 Rally” that the element of “civic nomination” should be included in the nominating procedures of the universal suffrage for the CE election. Certain organisations also pronounced their stance of “genuine universal suffrage and no screening”.

13. Constitutional development is an extremely complicated issue. It is understandable that there are different views or even disputes in community as regards specific proposals. This is also a normal phenomenon in Hong Kong as an inclusive society. The HKSAR Government respects the public expressing their opinions via peaceful, rational and lawful channels, in particular their aspiration for universal suffrage for the CE election and their determination to uphold freedom,

democracy, the rule of law and other core values. The Government has listened to all the views expressed by the community and would truthfully reflect them to the Central Authorities. I sincerely hope that the general public would appreciate that we could only have the chance to implement universal suffrage successfully if we were to formulate specific proposals on the basis of the Basic Law and the relevant Interpretation and Decisions of the NPCSC.

14. Moving forward constitutional development in Hong Kong is definitely much preferred than a standstill. Over five million voters being able to participate personally and exercise their votes to elect the next term CE is definitely better than being by-standers only. We should have the courage and wisdom to forge consensus in political crevices. I sincerely hope that we can work together with the LegCo Members and the community to build up consensus with a pragmatic mind and tolerance, and through rational discussions in the next stage. If the community continues to waste time and efforts on proposals that could hardly implement from legal, political and operational perspectives, and political groups only stick to their own positions and are unwilling to compromise, I am afraid we will miss the chance to implement universal suffrage for the CE election in 2017 and disappoint the whole community.

Way Forward

15. According to the Basic Law and the Interpretation adopted by the NPCSC in 2004, amendments to the methods for selecting the CE and for forming the LegCo have to go through the “Five-step Process”. Today, the CE submitted his Report to the NPCSC and formally kick-started the “Five-step Process”. This is a crucial move which marks the first step towards implementation of universal suffrage for the CE election in 2017. We hope that the NPCSC would make a determination on whether there is a need to amend the two electoral methods in August. After the NPCSC has made a determination, the Government envisages to launch another round of public consultation around the end of the year to collect views on specific proposals on universal suffrage for the CE election in 2017.

Conclusion

16. Being born and raised in Hong Kong, I love Hong Kong as much as you do. Having served in the Government for over 30 years and witnessed the development of Hong Kong, like all of you, I look forward

to seeing constitutional development in Hong Kong moving to the next level. Even though there may be heated debates on issues pertaining to constitutional development amongst people from different camps, they are all out of care of the future of Hong Kong. For this reason, we should seize the opportunity to implement universal suffrage. At present, the CE is selected by the Election Committee comprising 1 200 members. When universal suffrage for the CE election is implemented, the CE will be elected through “one person, one vote” by over five million eligible voters in the territory. This will bring about substantive changes.

17. Chairman, I am particularly impressed during this consultation that the vast majority of people in Hong Kong are adopting a rational and pragmatic attitude in the discussion of constitutional development. People of different ages, backgrounds and political positions are very sincere and frank in sharing their thoughts. Opinions expressed are very important to us, so that we can better understand each other’s positions and the Government can more accurately and comprehensively summarise the views of the public and truthfully reflect them to the Central Authorities. Finally, I would like to emphasise that even if the road to political reform is tough, the HKSAR Government is sincere and firmly committed to taking forward Hong Kong’s constitutional development. I believe that with the wisdom of Hong Kong people, we will be able to narrow the differences, forge consensus and work together to lay a milestone in the democratic development of Hong Kong by implementing universal suffrage for the CE election in 2017.

18. Thank you, Chairman.