

# 立法會

## *Legislative Council*

LC Paper No. CB(2)628/13-14(01)

Ref. : CB2/PL/CA

### **Panel on Constitutional Affairs**

### **Updated background brief for the special meeting on 11 January 2014**

### **Constitutional Development**

#### **Purpose**

This paper summarizes the issues raised by Members of the Legislative Council ("LegCo") regarding the methods for selecting the Chief Executive ("CE") and for forming LegCo ("the two electoral methods") in 2012 (paragraphs 20 to 33), and the methods for selecting CE in 2017 and for forming LegCo in 2016 (paragraphs 37 to 48).

#### **Background**

##### Existing methods for selecting CE and for forming LegCo

2. At present, in accordance with the provisions of Annex I to the Basic Law ("BL"), CE is elected by the Election Committee ("EC") and appointed by the Central People's Government ("CPG"). EC is composed of 1 200 members from four sectors made up of 38 subsectors (detailed in **Appendix I**). A candidate for the office of CE is required to have not less than 150 subscribers (i.e. EC members) nominating him. A candidate shall be elected as CE only if the candidate obtains more than 600 valid votes.

3. Currently, there are 70 seats in LegCo, half of them returned by geographical constituencies ("GCs") through direct elections, and the other half by functional constituencies ("FCs"). For direct elections in GCs, the 35 seats are returned from five GCs by adopting the list system operating under the largest remainder formula, which is a form of proportional representation voting system. For FC elections, 35 seats are returned from 29 FCs. The respective numbers of Members returned through the five GCs and the 29 FCs are listed in **Appendix II**.

##### Procedure for amending the two electoral methods

4. Under BL 45, CE of the Hong Kong Special Administrative Region

("HKSAR") shall be selected by election or through consultations held locally and be appointed by CPG. The method for selecting CE shall be specified in the light of the actual situation in HKSAR and in accordance with the principle of gradual and orderly progress. The ultimate aim is the selection of CE by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures.

5. Under BL 68, LegCo shall be constituted by election. The method for forming LegCo shall be specified in the light of the actual situation in HKSAR and in accordance with the principle of gradual and orderly progress. The ultimate aim is the election of all LegCo Members by universal suffrage.

6. The specific methods for selecting CE and for forming LegCo are specified in Annex I and Annex II to BL respectively. In accordance with BL and the "Interpretation of Article 7 of Annex I and Article III of Annex II to BL" ("the Interpretation") adopted by the Standing Committee of the National People's Congress ("NPCSC") on 6 April 2004, it is necessary to go through a "five-step mechanism" for amending the two electoral methods –

Step One : CE shall make a report to NPCSC as to whether there is a need to amend the two electoral methods;

Step Two : A determination shall be made by NPCSC that the two electoral methods may be amended;

Step Three : The motions on the amendments to the two electoral methods shall be introduced by the HKSAR Government to LegCo, and be endorsed by a two-thirds majority of all the Members of LegCo;

Step Four : Consent shall be given by CE to the motions endorsed by LegCo; and

Step Five : The relevant amendments to Annex I and Annex II to BL shall be reported by CE to NPCSC for approval or for the record.

7. For the development relating to the methods for selecting CE in 2007 and for forming LegCo in 2008, Members may refer to paragraphs 7 to 14 of the background brief on the same subject matter (LC Paper No. CB(2)451/13-14(02)) issued for the special meeting of the Panel on Constitutional Affairs ("CA Panel") on 9 December 2013 for details.

## **Methods for selecting CE and for forming LegCo in 2012**

### Green Paper on Constitutional Development

8. At the Council meeting of 11 July 2007, the Chief Secretary ("CS") made a statement on the Green Paper on Constitutional Development ("the Green Paper") which summarized the different views put forth by the Commission on Strategic Development and the community on the models, roadmap and timetable for implementing universal suffrage, and presented the relevant views in the form of options to facilitate public discussion. The Green Paper also covered the aspect of whether universal suffrage for CE should precede that for LegCo.

9. In December 2007, the Administration published the Report on Public Consultation on the Green Paper on Constitutional Development ("the Green Paper Report").

### The NPCSC Decision on 29 December 2007

10. On 12 December 2007, CE submitted the "Report on the Public Consultation on Constitutional Development and on whether there is a need to amend the methods for selecting CE of HKSAR and for forming LegCo of HKSAR in 2012" ("the CE Report") to NPCSC together with the Green Paper Report.

11. After considering the CE Report, NPCSC made a decision on 29 December 2007 on issues relating to the two electoral methods in 2012 and on issues relating to universal suffrage ("the 2007 NPCSC Decision"). The 2007 NPCSC Decision is summarized below –

- (a) universal suffrage for electing CE and for election of all the Members of LegCo by universal suffrage may respectively take place in 2017 and thereafter;
- (b) the election of the fourth term CE in 2012 and the Fifth LegCo in 2012 shall not be by means of universal suffrage;
- (c) the 50:50 ratio for Members returned by FCs and Members returned by GCs through direct elections shall remain unchanged for the Fifth LegCo;
- (d) the procedures of voting on bills and motions in LegCo shall remain unchanged; and

- (e) subject to the above not being contravened and consistent with BL 45 and BL 68, and the provisions of Annex I and Annex II to BL, the two electoral methods in 2012 may be appropriately amended.

#### Consultation document on the two electoral methods in 2012

12. CE had appointed the Task Group on Constitutional Development under the Commission on Strategic Development to discuss specifically the two electoral methods in 2012 within the framework set out in the 2007 NPCSC Decision.

13. At the Council meeting of 18 November 2009, CS made a statement on the above consultation document published on the same day, and announced the commencement of a three-month public consultation exercise.

#### Package of proposals for the two electoral methods in 2012

14. At the Council meeting of 14 April 2010, CS made a statement on a package of proposals for the two electoral methods in 2012. The document on the proposed package put forth detailed proposals regarding the two electoral methods in 2012, including –

##### For the method for selecting CE

- (a) that the number of EC members be increased from the current 800 to 1 200;
- (b) that the number of members of the four sectors of EC be increased by the same proportion, i.e. the number of seats for each sector be increased by 100;
- (c) that 75 out of the 100 new seats in the fourth sector (i.e. the political sector) be allocated to elected District Council ("DC") members. Together with the existing 42 seats, the DC subsector will have a total of 117 seats, which will be returned through election from among elected DC members, i.e. appointed DC members will not take part in the election. As for the remaining 25 new seats, aside from the 10 seats to be allocated to LegCo, 10 seats will be allocated to members of the National Committee of the Chinese People's Political Consultative Conference ("CPPCC") and five to Heung Yee Kuk ("HYK");
- (d) that the current nomination threshold (i.e. at the ratio of one-eighth of the total membership of the EC) be maintained. No upper limit on the number of subscribers should be set at this stage; and

- (e) that the requirement that CE should not have any political affiliation should not be changed for the 2012 CE election, but can be reviewed in the longer term.

For the method for forming LegCo

- (f) that the number of LegCo seats should be increased from 60 to 70, 35 seats returned by GCs through direct elections and 35 returned by FCs;
- (g) that all the five new FC seats and the existing DC FC seat be returned through election by elected DC members from among themselves (i.e. appointed DC members will not take part in the election);
- (h) that the six DC FC seats be returned under the "proportional representation system"; and
- (i) that the existing arrangement that permanent residents of Hong Kong who are not of Chinese nationality or who have the right of abode in foreign countries can stand in the elections for 12 FC seats be maintained.

15. On 16 April 2010, the House Committee ("HC") formed a subcommittee to study the proposed package. The Subcommittee reported its deliberations to HC on 11 June 2010.

16. On 21 June 2010, CE announced that the Executive Council had given its approval-in-principle to the proposal on "one-person-two-votes" for returning the five new FC seats in 2012. According to the Government's announcement, the proposal would be implemented by the following electoral arrangements under local legislation –

- (a) candidates for the five new FC seats must themselves be elected DC members who must be nominated by elected DC members and would be elected, through one-person-one-vote, by all registered voters who currently did not have a vote in FCs; the electorate base would be about 3.2 million; and
- (b) the original DC FC seat would be returned through election from among elected DC members, i.e. appointed DC members would not take part in the election.

17. On 24 and 25 June 2010, LegCo passed by a two-thirds majority the motions put forth by the Government concerning the draft amendments to the two electoral methods in 2012. According to the draft amendments to the method for the selection of CE in 2012, the number of members of EC would be increased from the current 800 to 1 200. The number of seats for each of the four sectors of EC would be increased by 100. According to the draft amendment to the method for the election of LegCo in 2012, the number of members returned in GC and FC elections would each be increased from 30 to 35.

18. CE gave consent to the draft amendments on 29 June 2010 and reported to NPCSC on 28 July 2010. On 28 August 2010, NPCSC approved the amendment to Annex I to BL and recorded the amendment to Annex II to BL respectively.

The CE Election (Amendment) Bill 2010 ("CEEB") and the LegCo (Amendment) Bill 2010 ("LCB")

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19. The two Bills were introduced into LegCo on 15 December 2010. The objects of CEEB were to increase the number of seats for each EC sector to 300, allocate the additional seats among the EC subsectors and make changes in relation to DCs and Chinese medicine subsectors and other related matters. The objects of LCB were to enlarge LegCo by adding five GC seats and creating a new DC FC (i.e. DC (second) FC) of five seats and to make other changes related to LegCo elections. The two Bills were passed by LegCo at the Council meeting of 2 March 2011.

#### Issues raised by Members regarding the two electoral methods in 2012

##### *Composition of EC*

20. Some Members considered that to facilitate the full implementation of universal suffrage for the selection of CE in 2017, the Administration should broaden the electorate base of the EC subsectors to make EC more broadly representative. Some Members suggested that new subsectors or their representatives (e.g. real estate agents, ethnic minorities, small and medium size enterprises, women and youth) should be added to the relevant sectors of EC. The Administration advised that it had considered proposals of adding new subsectors to EC, and considered that the community was unlikely to reach a consensus at the present stage on the proposals as a broad range of different organizations were covered. The Administration stressed that the proposed increase of the membership of EC from 800 to 1 200 would enhance the representativeness of EC and help transform EC into the nominating committee when universal suffrage for CE was to be implemented in 2017.

21. Some Members suggested that all of the 100 new seats in the fourth sector of EC should be allocated to elected DC members to enhance the democratic elements of EC. The Administration considered that its proposal of allocating 75 of the 100 new seats in the fourth sector of EC to elected DC members who had public mandate would significantly enhance the democratic elements of EC. The Administration considered it appropriate to allocate the remaining 25 seats to LegCo Members, members of CPPCC and HYK.

22. Some members considered that the allocation of new seats to the existing subsectors of EC should be in proportion to the size of their electorate, rather than the existing distribution of seats. The Administration explained that it aimed at enhancing the democratic elements of the EC election mainly through increasing the proportion of elected DC members in the fourth sector of EC. As regards the first three sectors of EC, the Administration considered it appropriate to follow the established mechanism of increasing the number of seats of the subsectors by the same proportion in compliance with the principle of balanced participation.

23. Some Members considered that members of the public did not have adequate representation in EC, and urged the Administration to consider increasing the number of directly or indirectly elected representatives of the public in the first, second and third sectors of EC with a view to enhancing the democratic elements in EC for the ultimate implementation of universal suffrage for CE. The Administration advised that it had made the best effort to enhance the democratic elements of EC to pave the way for the implementation of universal suffrage in 2017. Under its proposal for the composition of EC, 152 members were returned from direct or indirect GC elections (i.e. 35 directly elected LegCo Members and 117 representatives of DC).

#### *Nomination mechanism for the CE election in 2012*

24. Some Members considered that with the proposed increase in the number of subscribers required from 100 to 150, it would be difficult for the pan-democratic camp to field a candidate for the CE election. Some other Members, however, considered that maintaining the existing nomination threshold at one-eighth of the total membership of EC already allowed competition in the CE election. The Administration also considered that under its current proposal of maintaining the existing nomination threshold of one-eighth of the total membership of EC, the pan-democrats would be able to secure the required 150 nominations in EC to field a candidate for the CE election in 2012.

25. Some Members expressed concern that a prospective candidate might be able to secure a large number of nominations, making it difficult for other

intending candidates to secure an adequate number of nominations. These Members suggested that the Administration should set an upper limit of nominations in order to make CE election a fair and truly contested one. The Administration considered that it was feasible for more than one candidate to secure the support of 150 EC members and the CE election in 2012 would be a contested one. The Administration therefore did not consider it necessary to cap the number of subscribers to be obtained by a candidate.

#### *Political affiliation of CE*

26. Some Members expressed the view that the current requirement under the CE Election Ordinance that CE should not have any political affiliation would hinder the development of political parties, which played a pivotal role in nurturing political talents. They considered that the development of political parties was crucial to the grooming of political talents in Hong Kong, and suggested that the Administration should consider formulating a political party law to facilitate the development and regulation of political parties, particularly if CE was allowed to have political party membership.

27. The Administration advised that it was the general view of the public that the relevant requirement should be retained for the CE election in 2012 to ensure that CE would maintain impartiality when dealing with requests from different political parties, but it could be reviewed in the longer term.

#### *The new DC FC seats*

28. Some Members expressed the view that adding more FC seats by creation of the new DC FC seats (i.e. the DC (second) FC) would make it more difficult to abolish the FC system in future. They also queried whether the "one-person-two-votes" election method for the new DC FC would continue to exist after 2012 and would become a model for the implementation of universal suffrage for forming LegCo. Some other Members, however, supported the proposed creation of the new DC FC which they considered had enabled Hong Kong to take a step forward closer to the implementation of universal suffrage for LegCo.

29. The Administration advised that the creation of the five new DC FC seats in 2012 would enhance the democratic elements of the FC elections and facilitate the implementation of universal suffrage for the LegCo election in 2020.

30. Some Members considered that the nomination threshold for the new DC FC should be lowered to 10 instead of 15 so as to allow more candidates to participate in the election. The Administration considered that the proposed nomination threshold of 15 was a low threshold and was reasonable, given that for a list of five candidates, each candidate on average only needed to have three



nominations. With the proposed nomination threshold of 15, it was envisaged that the 412 elected DC members of the fourth-term DC could nominate up to some 20 candidates/lists of candidates and this would ensure sufficient competition in the new DC FC election.

*Number of Members to be returned from each GC*

31. With the increase in the number of seats to 70 for the Fifth LegCo in 2012, the Administration proposed under LCB to retain the number of GCs at five, and that the number of seats to be allocated to a GC should be not less than five but not more than nine. The Administration explained that if there were too many seats in a GC, it might result in that a Member could be elected with very few votes. Some Members considered the proposal of allocating five to nine seats for each GC appropriate. However, with the increase in population and in the number of GC directly elected seats, these Members also considered that the Administration should, in the long run, consider increasing the number of GCs, say from five to six, with a view to reducing the disparity in the number of seats among GCs.

32. Some Members pointed out that for the New Territories West ("NTW") GC which was expected to have as many as nine seats, a large number of candidates/lists of candidates would compete for the seats, making it difficult for electors to get well-informed of the platform of the candidates. They suggested that the number of GCs be increased so that each GC would have only five or six seats, for example, the NTW GC and the New Territories East GC could be divided into two GCs each. Alternatively, the Administration should consider allocating the 35 GC seats evenly among the five GCs to prevent a GC from having as many as nine seats.

33. The Administration explained that re-delineating the existing GC boundaries would have implications on the work of incumbent Members and electioneering activities. Nevertheless, the Administration agreed to take into account the experience of the 2012 LegCo Election and consider Members' views in any future review.

**Methods for selecting CE in 2017 and for forming LegCo in 2016**

Consultation Document on Methods for Selecting CE in 2017 and for Forming LegCo in 2016

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34. Following CE's announcement on 17 October 2013 of the setting up of the Task Force on Constitutional Development led by CS to handle the task of

public consultation on constitutional development, the above Consultation Document was published on 4 December 2013. At the Council meeting of 4 December 2013, CS made a statement on the Consultation Document and announced the commencement of a five-month public consultation exercise ending by 3 May 2014.

35. Regarding the method for selecting CE, the Consultation Document sets out various key issues to be considered, namely: (a) composition and size of the nominating committee; (b) electorate base of the nominating committee; (c) method for forming the nominating committee; (d) procedure for the nominating committee to nominate CE candidates; (e) voting arrangements for electing CE by universal suffrage; (f) procedure for appointing CE and the linkage with local legislation; and (g) political affiliation of CE.

36. Regarding the method for forming LegCo, the Consultation Document sets out various key issues to be considered, namely: (a) number of seats and composition of LegCo; (b) composition and electorate base of FCs; and (c) number of GCs and number of seats in each GC.

Issues raised by Members regarding the methods for selecting CE in 2017 and for forming LegCo in 2016

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*Procedures for nominating candidates for the office of CE*

37. Some Members urged the Administration to explain its views on the meaning of "democratic procedures" to allay concern that a screening mechanism might be put in place in the nomination procedures in the model for implementing universal suffrage for CE. The Administration advised that the fourth-term Government would be responsible for formulating specific proposals on the democratic procedures for nominating candidates for the office of CE when universal suffrage was to be implemented in 2017.

38. Some Members stressed that the nomination procedures for the selection of CE by universal suffrage in 2017 should be fair and open, and a high nomination threshold should not be used to screen out prospective candidates. These Members stressed that the public should have the rights to make nomination, to stand for election and to vote for the implementation of a universal and equal suffrage, and there should not be any "screening" or "pre-selection" through a nominating committee. It was specifically suggested that any person jointly endorsed by a certain number of electors (e.g. no less than 50 000) and upon verification by the nominating committee could be a candidate for the office of CE. Some other Members, however, considered that the suggestion did not comply with BL 45 and the Decision of NPCSC. They took

the view that it was wrong to interpret the right to make nomination by the nominating committee stipulated by BL merely as a kind of verification right.

39. Regarding the issue of nomination procedures, the Administration advised that it was clear from BL 45 that the power to nominate CE candidates was vested in the nominating committee only, and that the power was a substantive one. Any proposal which bypassed the nomination procedures of the nominating committee, or undermined the substantive power of the nominating committee to nominate candidates, might be considered not conforming with BL 45. At the Council meeting of 4 December 2013, CS referred to the recent remarks by the Deputy Secretary-General of NPCSC cum Chairman of HKSAR BL Committee ("BLC") under NPCSC, Mr LI Fei<sup>1</sup>, that BL only empowered a nominating committee to nominate candidates for the office of CE.

40. At the Council meeting of 4 December 2013, some Members referred to the results of a recent opinion poll showing that over 60% of the respondents favoured "public nomination", and suggested that the Administration should conduct public consultation on this option. CS advised that the Decision of NPCSC in 2007 had clearly provided a timetable for universal suffrage in Hong Kong. The task ahead was to strive for a consensus in the community of Hong Kong on how to amend the methods for selecting CE and for forming LegCo, and on issues relating to universal suffrage. To this end, the Administration would listen to the views from people and organizations from different sectors of the community during the public consultation exercise.

#### *Composition of the nominating committee*

41. Some Members expressed the view that, if the EC to elect the fourth-term CE was adopted as the basis to form the nominating committee, consideration could be given to making some adjustments to the current composition of EC. For example, the number of members of the Agriculture and Fisheries Subsector should be reduced and the electorates for certain Subsectors (e.g. Financial Services) should be expanded, in order to enhance the representativeness of the future nominating committee.

42. At the Council meeting of 4 December 2013, some Members sought clarification as to whether it was the Administration's understanding that the nominating committee had to be formed with reference to the current provisions

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<sup>1</sup> The Deputy Secretary-General of NPCSC cum Chairman of HKSAR BLC under NPCSC, Mr LI Fei, and the Vice-Chairperson of the Legislative Affairs Commission of NPCSC cum Vice-Chairperson of BLC, Mr ZHANG Rongshun, visited Hong Kong from 21 to 23 November 2013 to exchange views with HKSAR officials and members of the community on issues relating to BL and other issues including constitutional reform.

regarding EC in Annex I to BL. CS advised that at present, pursuant to Annex I to BL, CE was to be elected by a "broadly representative EC". Since the composition of the nominating committee would also have to be "broadly representative", forming the nominating committee by making reference to the composition of EC would render the nominating committee having a much greater chance of being able to comply with the relevant requirement of BL.

*Number of CE candidates*

43. Some Members pointed out that the 2007 NPCSC Decision had only mentioned that the nominating committee would have to "nominate a certain number of candidates for the office of CE". These Members considered that the Administration, in considering the number of CE candidates to be nominated, should not impose any restriction on the number. The Administration explained that in considering this issue, it had to consider also whether a candidate had sufficient public acceptance, whether a fair chance was given to people who were interested in running for election, and whether the competitiveness of the election was ensured. The Administration advised that it was open to different views on this matter.

*Principles of universal and equal suffrage in Article 25 of the International Covenant on Civil and Political Rights ("ICCPR")*

44. Some Members took the view that the implementation of universal suffrage in Hong Kong should conform with the principles of universal and equal suffrage stipulated in Article 25<sup>2</sup> of ICCPR. They pointed out that the United Nations Human Rights Committee had already reiterated its view in its concluding observations issued after consideration of the HKSAR's reports under ICCPR that the electoral system for the formation of LegCo did not meet the requirements of Article 25 of ICCPR and, once direct election was introduced into LegCo, the reservation made in respect of Article 25(b) would no longer apply. The Administration advised that ICCPR did not seek to impose any specific electoral system. Hong Kong would attain universal suffrage because of BL, and not ICCPR. The Administration also pointed out that in the case of *Chan Yu Nam v Secretary for Justice* (HCAL32/2009 and HCAL55/2009) in

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<sup>2</sup> Article 25(b) of ICCPR provides that every citizen shall have the right and the opportunity to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors. When the Government of the United Kingdom extended ICCPR to Hong Kong in 1976, the following reservation was added –

"The Government of the United Kingdom reserve the right not to apply sub-paragraph (b) of Article 25 in so far as it may require the establishment of an elected Executive or Legislative Council in Hong Kong ..."

2009, the High Court had ruled that the reservation made in respect of Article 25(b) continued to apply to HKSAR.

45. At the Council meeting of 4 December 2013, CS requested Members to note that the design and establishment of any political structure had to have regard to the historical background of the relevant place, and with the constitutional basis and the characteristics of that place as the foundation. Therefore, in the discussion of the methods for selecting CE by universal suffrage in 2017 and for forming LegCo in 2016, it was necessary to consider the historical background of the establishment of HKSAR, understand the unique constitutional status of HKSAR, and comprehend the legal framework based on BL and the relevant Interpretation and Decisions of NPCSC.

#### *Retention and abolition of FCs*

46. Some Members considered that FC seats should be abolished in one go in 2016 and, if not, the Administration should provide the roadmap for attaining the abolition of these seats altogether in 2020.

47. The Administration explained that according to the 2007 NPCSC Decision, after CE was selected by universal suffrage, the election of LegCo could be implemented by the method of electing all the Members by universal suffrage. Therefore, election of all Members by universal suffrage would not be implemented in the 2016 LegCo Election. The Administration also advised that for the universal suffrage model for LegCo in 2020, it would be for the fifth-term Government to deal with it. For the Sixth LegCo in 2016, the Administration advised that it could be considered whether to enlarge the electorate base of FCs. According to the Administration, the following views on the electorate base of FCs were received recently –

- (a) the "corporate votes" should be abolished and replaced by votes of the executives or staff members of such corporations;
- (b) the electorate base of FCs should be enlarged by covering as far as possible electors with relevant professional qualifications and work experience;
- (c) candidates could be nominated by the relevant sectors, but returned through "one-person-one-vote" by all eligible electors in Hong Kong; and
- (d) FCs could be reorganized into a few larger sectors, so that each candidate would have to face a larger number of electors and electors from a wider range of background.

The Administration advised that it had no pre-conceived position and was willing to listen to all ideas during the public consultation.

48. Some Members considered that the new DC (second) FC should be abolished, while some other Members suggested that the Administration should consult the public on the retention or abolition of this new FC. The Administration advised that it had no pre-conceived position and welcomed views and suggestions from members of the community on the way forward of the new DC (second) FC.

### **Latest development**

49. The CA Panel held a special meeting on 9 December 2013 to discuss the Consultation Document on Methods for Selecting CE in 2017 and for Forming LegCo in 2016 with the Task Force on Constitutional Development. The Panel has scheduled two special meetings for 11 January and 18 January 2014 to receive public views on the Consultation Document.

### **Relevant motion debates and questions in Council**

50. A list of relevant motions moved for debate in Council and a list of the relevant LegCo questions are in **Appendices III and IV** respectively.

### **Relevant papers**

51. A list of the relevant papers available on the LegCo website is in **Appendix V**.

## Appendix I

### Composition of the Election Committee

#### First Sector (Industrial, commercial and financial sectors)

	<u>Subsector</u>	<u>Number of members</u>
1.	Catering	17
2.	Commercial (First)	18
3.	Commercial (Second)	18
4.	Employers' Federation of Hong Kong	16
5.	Finance	18
6.	Financial Services	18
7.	Hong Kong Chinese Enterprises Association	16
8.	Hotel	17
9.	Import and Export	18
10.	Industrial (First)	18
11.	Industrial (Second)	18
12.	Insurance	18
13.	Real Estate and Construction	18
14.	Textiles and Garment	18
15.	Tourism	18
16.	Transport	18
17.	Wholesale and Retail	18

#### Second Sector (The professions)

	<u>Subsector</u>	<u>Number of members</u>
18.	Accountancy	30
19.	Architectural, Surveying and Planning	30
20.	Chinese Medicine	30
21.	Education	30
22.	Engineering	30
23.	Health Services	30
24.	Higher Education	30
25.	Information Technology	30
26.	Legal	30
27.	Medical	30

### **Third Sector (Labour, social services, religious and other sectors)**

	<u>Subsector</u>	<u>Number of members</u>
28.	Agriculture and Fisheries	60
29.	Labour	60
30.	Religious*	60
31.	Social Welfare	60
32.	Sports, Performing Arts, Culture and Publication	60

### **Fourth Sector (Members of the Legislative Council, representatives of members of the District Councils, representatives of the Heung Yee Kuk, Hong Kong deputies to the National People's Congress, and representatives of Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference)**

	<u>Subsector</u>	<u>Number of members</u>
33.	National People's Congress	36
34.	Legislative Council	70
35.	Chinese People's Political Consultative Conference	51
36.	Heung Yee Kuk	26
37.	Hong Kong and Kowloon District Councils	57
38.	New Territories District Councils	60

\* The number of members to be nominated by each of the six designated bodies of the religious subsector are as follows:

	<u>Number of members</u>	
1.	Catholic Diocese of Hong Kong	10
2.	Chinese Muslim Cultural and Fraternal Association	10
3.	Hong Kong Christian Council	10
4.	The Hong Kong Taoist Association	10
5.	The Confucian Academy	10
6.	The Hong Kong Buddhist Association	10



**2012 Legislative Council Election**  
**No. of Members Returned from 5 Geographical Constituencies**  
**and 29 Functional Constituencies**

**Geographical Constituencies**

<u>Item</u>	<u>Name of GC</u>	<u>Number of members to be returned</u>
1.	Hong Kong Island	7
2.	Kowloon West	5
3.	Kowloon East	5
4.	New Territories West	9
5.	New Territories East	9

**Functional Constituencies**

<u>Item</u>	<u>Name of FC</u>	<u>Number of members to be returned</u>
1.	Heung Yee Kuk	1
2.	Agriculture and Fisheries	1
3.	Insurance	1
4.	Transport	1
5.	Education	1
6.	Legal	1
7.	Accountancy	1
8.	Medical	1
9.	Health Services	1
10.	Engineering	1
11.	Architectural, Surveying and Planning	1
12.	Labour	3

<u>Item</u>	<u>Name of FC</u>	<u>Number of members to be returned</u>
13.	Social Welfare	1
14.	Real Estate and Construction	1
15.	Tourism	1
16.	Commercial (first)	1
17.	Commercial (second)	1
18.	Industrial (first)	1
19.	Industrial (second)	1
20.	Finance	1
21.	Financial Services	1
22.	Sports, Performing Arts, Culture and Publication	1
23.	Import and Export	1
24.	Textiles and Garment	1
25.	Wholesale and Retail	1
26.	Information Technology	1
27.	Catering	1
28.	District Council (first)	1
29.	District Council (second)	5

**Relevant motions moved for debate in Council**  
(since First LegCo)

<b><u>Date of Council meeting</u></b>	<b><u>Motion</u></b>
15 July 1998	Hon Andrew CHENG Kar-foo moved a motion on "Direct elections" for debate in Council. The motion was negatived.
12 January 2000	Hon Emily LAU Wai-hing moved a motion on "Political reform" for debate in Council. The motion was passed.
14 June 2000	Dr Hon LEONG Che-hung moved a motion on "Development of the Hong Kong Special Administrative Region's Political System" for debate in Council. The motion was passed.
13 March 2002	Hon Emily LAU Wai-hing moved a motion on "The Second Chief Executive Election" for debate in Council. The motion was negatived.
19 February 2003	Hon Emily LAU Wai-hing moved a motion on "Public consultation on constitutional reforms" for debate in Council. The motion was negatived.
21 May 2003	Hon Albert HO Chun-yan moved a motion on "Expediently implementing the election of the Chief Executive and All Members of the Legislative Council by universal suffrage" for debate in Council. The motion was negatived.
12 November 2003	Hon James TO Kun-sun moved a motion on "Election of the Chief Executive and all Members of the Legislative Council by universal suffrage" for debate in the Council. The motion was negatived.
25 February 2004	Hon Andrew CHENG Kar-foo moved a motion on "Immediately consulting the public on election by universal suffrage" for debate in Council. The motion was negatived.
17 March 2004	Hon James TO Kun-sun moved a motion on "Respecting and complying with the principles prescribed in the Basic Law" for debate in Council. The motion was negatived.

**Date of  
Council meeting**

**Motion**

- 22 April 2004 Hon Frederick FUNG Kin-kee moved a motion to adjourn the Council for the purpose of debating the Report by the Chief Executive of the Hong Kong Special Administrative Region to the Standing Committee of the National People's Congress on whether there is a need to amend the methods for selecting the Chief Executive of the Hong Kong Special Administrative Region in 2007 and for forming the Legislative Council of the Hong Kong Special Administrative Region in 2008. The motion was negated.
- 5 May 2004 Hon Frederick FUNG Kin-kee moved a motion on "Requesting the Chief Executive to submit a supplementary report to the Standing Committee of the National People's Congress" for debate in Council. The motion was negated.
- 19 May 2004 Hon Albert HO Chun-yan moved a motion on "Regretting the decision of the Standing Committee of the National People's Congress to rule out universal suffrage in the years 2007 and 2008" for debate in Council. The motion was negated.
- 10 November 2004 Hon Ronny TONG Ka-wah moved a motion on "Constitutional development" for debate in Council. The motion was negated.
- 5 January 2005 Hon Albert Jinghan CHENG moved a motion on "The Fourth Report of the Constitutional Task Force" for debate in Council. The motion was negated.
- 9 March 2005 Hon Ronny TONG Ka-wah moved a motion on "Shortcomings of Functional Constituencies" for debate in Council. The motion was negated.
- 9 November 2005 Hon Ronny TONG Ka-wah moved a motion on "Constitutional Reform Proposal" for debate in Council. The motion was negated.
- 30 November 2005 Hon LEUNG Kwok-hung moved a motion on "Conducting a referendum on the full implementation of elections by universal suffrage in 2007 and 2008" for debate in Council. The motion was negated.
- 7 December 2005 Dr Hon YEUNG Sum moved a motion on "Democratic political system" for debate in Council. The motion was negated.

<b><u>Date of Council meeting</u></b>	<b><u>Motion</u></b>
22 November 2006	Hon Ronny TONG Ka-wah moved a motion on "Electing the Chief Executive by universal suffrage" for debate in Council. The motion was negated.
29 November 2006	Hon LEE Cheuk-yan moved a motion on "Electing the Legislative Council by universal suffrage" for debate in Council. The motion was negated.
9 January 2008	Hon Albert CHAN moved a motion on "Report on Public Consultation on Green Paper on Constitutional Development" for debate in Council. The motion was negated.
7 January 2009	Dr Hon Margaret NG moved a motion on "Public consultation on 2012 constitutional development" for debate in Council. The motion was negated.
11 February 2009	Hon Albert HO moved a motion on "Procrastinating public consultation on constitutional development" for debate in Council. The motion was negated.
17 June 2009	Hon LEUNG Kwok-hung moved a motion on "Proposal on constitutional reform in Hong Kong" for debate in Council. The motion was negated.
2 December 2009	Hon Alan LEONG moved a motion on "Roadmap for universal suffrage" for debate in Council. The motion was negated.
9 June 2010	Hon Ronny TONG Ka-wah moved a motion on "Constitutional reform" for debate in Council. The motion was negated.
30 June 2011	Hon LEUNG Kwok-hung moved a motion on "Proposal on the constitutional reform in Hong Kong" for debate in Council. The motion was negated.
20 February 2013	Hon Ronny TONG Ka-wah moved a motion on "Implementing dual universal suffrage" for debate in Council. The motion was negated.
29 May 2013	Hon Alan LEONG moved a motion on "Democratic procedures for the election of the Chief Executive by universal suffrage in 2017" for debate in Council. The motion was negated.

**Relevant questions raised in Council**  
(since First LegCo)

<b><u>Date of Council meeting</u></b>	<b><u>Question</u></b>
8 December 1999	Hon Emily LAU Wai-hing raised a question on "Modifying the electoral systems".
13 June 2001	Hon Martin LEE Chu-ming raised a question on "Improvement on method of forming the Legislative Council".
13 November 2002	Hon Emily LAU Wai-hing raised a question on "Arrangements for the Legislative Council functional constituencies elections".
8 October 2003	Dr Hon YEUNG Sum raised a question on "Timetable for review on political system".
18 February 2004	Hon Michael MAK Kwok-fung raised a question on "Constitutional development of Hong Kong".
2 June 2004	Hon Martin LEE Chu-ming raised a question on "Interpretation of the Basic Law and decision on issues relating to the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008 by the Standing Committee of the National People's Congress".
9 June 2004	Hon SZETO Wah raised a question on "The report submitted by the Chief Executive to the Standing Committee of the National People's Congress".
9 June 2004	Hon Audrey EU Yuet-mee raised a question on "Registered voters of the functional constituencies".
10 November 2004	Dr Hon YEUNG Sum raised a question on "Constitutional development".
26 January 2005	Hon Frederick FUNG Kin-kee raised a question on "Returning of some Legislative Council Members by functional constituencies".
19 October 2005	Dr Hon YEUNG Sum raised a question on "Political reform".
30 November 2005	Hon LEE Wing-tat raised a question on "Position and Reaction of Middle Class Towards Universal Suffrage".

**Date of  
Council meeting**

**Question**

	Hon MA Lik raised a question on "Expansion of Election Committee".
7 December 2005	Hon LEE Wing-tat raised a question on "Collecting Public Views on Constitutional Development".
21 December 2005	Hon Martin LEE raised a question on "Establishment of Bicameral System in Hong Kong".
17 May 2006	Hon Emily LAU raised a question on "Conditions for Implementation of Universal Suffrage in Hong Kong".
14 June 2006	Hon Emily LAU raised a question on "Dual Elections by Universal Suffrage".
24 January 2007	Hon LEE Wing-tat raised a question on "Commenting on Constitutional Development of Hong Kong".
23 May 2007	Hon LEUNG Yiu-chung raised a question on "Universal Suffrage Proposals".
20 June 2007	Hon Emily LAU raised a question on "Election of Chief Executive by Universal Suffrage".
27 June 2007	Hon Ronny TONG raised question on "Democratic Development for HKSAR".
	Hon LEE Cheuk-yan raised a question on "Qualification for Candidacy of Chief Executive to be Selected by Universal Suffrage".
	Hon Alan LEONG raised a question on "Options for Universal Suffrage".
23 January 2008	Hon Emily LAU raised a question on "Implementation of Universal Suffrage for Chief Executive and Legislative Council in 2012".
2 July 2008	Hon Emily LAU raised a question on "Method for electing the Chief Executive and for forming the Legislative Council".
2 December 2009	Hon WONG Sing-chi raised a question on "Retention or otherwise of functional constituencies of the Legislative Council".

<b><u>Date of Council meeting</u></b>	<b><u>Question</u></b>
6 January 2010	Hon Audrey EU raised a question on "Functional constituencies of the Legislative Council".
3 March 2010	Dr Hon LEUNG Ka-lau raised a question on "Procedures for voting on motions and bills in the Legislative Council".
10 March 2010	Hon Paul TSE raised a question on "Legislative Council functional constituencies".
28 April 2010	Hon Albert HO raised a question on "Legislative Council functional constituencies".
26 May 2010	Hon Audrey EU raised a question on "Functional constituencies".
9 June 2010	Hon Tanya CHAN raised a question on "Publicity strategies for 2012 constitutional package".
23 June 2010	Hon Alan LEONG raised a question on "Reform of the political system".
14 July 2010	Hon LEE Wing-tat raised a question on "Follow-up work to the passage of motions to amend the electoral methods in 2012".
20 October 2010	Hon Tanya CHAN raised a question on "Delimitation of functional sectors and corporate bodies of the Legislative Council".  Hon Emily LAU raised a question on "Composition of the Election Committee".
20 March 2013	Hon Emily LAU raised a question on "Government's response to the issues raised by the United Nations Human Rights Committee".
27 March 2013	Hon James TO raised a question on "The Chief Executive election in 2017".
29 May 2013	Hon Alan LEONG raised a question on "Selection of the Chief Executive and election of the Legislative Council by universal suffrage".  Hon SIN Chung-kai raised a question on "Statistics relating to functional constituencies".



**Date of  
Council meeting**

**Question**

17 July 2013	Hon Emily LAU raised a question on "Public Consultation on Constitutional Reform".
30 October 2013	Hon Alan LEONG raised a question on "Work of the Task Force on Constitutional Development".
13 November 2013	Dr Hon Kenneth CHAN raised a question on "Proposal on candidates for Chief Executive Election to take oath".

## Constitutional development

## Relevant documents

<u>Date</u>	<u>Context</u>	<u>Paper</u>
11 July 2007	Council meeting	<p><a href="#">Green Paper on Constitutional Development</a></p> <p><a href="#">Statement by the Chief Secretary for Administration on the Green Paper on Constitutional Development</a></p>
16 and 25 July 2007	CA Panel	<p>Transcripts of remarks made by the Chief Executive, the Chief Secretary for Administration and the Secretary for Constitutional and Mainland Affairs to the press on the Green Paper on Constitutional Development on 11 July 2007 [<a href="#">LC Paper No. CB(2)2471/06-07(01)</a>]</p> <p>Minutes of meeting [<a href="#">LC Paper No. CB(2)195/07-08</a>] [<a href="#">LC Paper No. CB(2)671/07-08</a>]</p>
7, 10, 12 and 14 September 2007	CA Panel	<p>Administration's paper on "Green Paper on Constitutional Development" [<a href="#">LC Paper No. CB(2)2664/06-07(01)</a>]</p> <p>Minutes of meetings [<a href="#">LC Paper No. CB(2)284/07-08</a>] [<a href="#">LC Paper No. CB(2)680/07-08</a>] [<a href="#">LC Paper No. CB(2)943/07-08</a>] [<a href="#">LC Paper No. CB(2)1027/07-08</a>]</p>
5 October 2007	CA Panel	<p>Administration's paper on "Green Paper on Constitutional Development" [<a href="#">LC Paper No. CB(2)2766/06-07(01)</a>]</p> <p>Information provided by the Administration on the opinion polls on universal suffrage conducted by universities and think-tanks [<a href="#">LC Paper Nos. CB(2)2715/06-07(01)-(12)</a>] (Chinese version only)</p> <p>Minutes of meeting [<a href="#">LC Paper No. CB(2)1818/07-08</a>]</p>

<u>Date</u>	<u>Context</u>	<u>Paper</u>
12 December 2007	Council meeting	<p>Report by the Chief Executive of the Hong Kong Special Administrative Region to the Standing Committee of the National People's Congress on the Public Consultation on Constitutional Development and on 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 in 2012</p> <p>Report on Public Consultation on Green Paper on Constitutional Development</p> <p>Statement by the Chief Secretary for Administration on two Reports on constitutional development of Hong Kong</p>
17 and 19 December 2007	CA Panel	<p>Press releases relating to the two Reports on constitutional development of Hong Kong issued on 12 December 2007 [LC Paper No. CB(2)592/07-08(04)]</p> <p>Minutes of meetings [LC Paper No. CB(2)1334/07-08] [LC Paper No. CB(2)2739/07-08]</p>
21 January 2008	CA Panel	<p>Decision of the Standing Committee of the National People's Congress on issues relating to 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 the year 2012 and on issues relating to universal suffrage</p> <p>Press releases on the decision by the Standing Committee of the National People's Congress issued on 29 December 2007 [LC Paper No. CB(2)846/07-08(04)]</p> <p>Minutes of meeting [LC Paper No. CB(2)1615/07-08]</p>

<u>Date</u>	<u>Context</u>	<u>Paper</u>
17 March 2008	CA Panel	<p>CSD's paper on "Issues to be Discussed at Future Meetings" and "Method for Electing the Chief Executive in 2012 – Size and Composition of the Election Committee and Nominating Arrangements"  <a href="#">[LC Paper No. CB(2)1177/07-08]</a></p> <p>Minutes of meeting  <a href="#">[LC Paper No. CB(2)2248/07-08]</a></p>
23 April 2008	Council meeting	<p>Report of the Bills Committee on Legislative Council (Amendment) Bill 2007  <a href="#">[LC Paper No. CB(2)1665/07-08]</a></p>
19 May 2008	CA Panel	<p>CSD's paper on "Method for Forming the Legislative Council in 2012"  <a href="#">[LC Paper No. CB(2)1436/07-08]</a></p> <p>CSD's paper on "Further Discussion on the Method for Forming the Legislative Council in 2012"  <a href="#">[LC Paper No. CB(2)1694/07-08]</a></p> <p>Minutes of meeting  <a href="#">[LC Paper No. CB(2)2841/07-08]</a></p>
16 June 2008	CA Panel	<p>Administration's paper on "Methods for electing the Chief Executive and for forming the Legislative Council in 2012"  <a href="#">[LC Paper No. CB(2)2223/07-08(01)]</a></p> <p>Minutes of meeting  <a href="#">[LC Paper No. CB(2)2806/07-08]</a></p>
16 February 2009	CA Panel	<p>Administration's paper on "Working timetable for public consultation and legislative process for the two electoral methods for 2012"  <a href="#">[LC Paper No. CB(2)829/08-09(03)]</a></p> <p>Background brief on "Constitutional Development" prepared by the Legislative Council Secretariat  <a href="#">[LC Paper No. CB(2)829/08-09(04)]</a></p> <p>Minutes of meeting  <a href="#">[LC Paper No. CB(2)1806/08-09]</a></p>

<u>Date</u>	<u>Context</u>	<u>Paper</u>
19 October 2009	CA Panel	<p>Administration's paper on "2009-2010 Policy Agenda" [LC Paper No. CB(2)32/09-10(01)]</p> <p>Speaking note of the Secretary for Constitutional and Mainland Affairs [LC Paper No. CB(2)74/09-10(01)] (Chinese version only)</p>
18 November 2009	Council meeting	<p>Statement made by the Chief Secretary for Administration on "Consultation Document on Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012"</p>
26 November 2009	CA Panel	<p>Consultation Document on Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012</p> <p>Updated background brief on "Constitutional Development" prepared by the LegCo Secretariat [LC Paper No. CB(2)349/09-10(01)]</p>
14 April 2010	Council meeting	<p>Statement made by the Chief Secretary for Administration on the "Package of Proposals for the Methods for Selecting the Chief Executive and for Forming the LegCo in 2012"</p>
11 June 2010	HC	<p>Report of the Subcommittee on Package of Proposals for the Methods for Selecting the Chief Executive and for Forming the LegCo in 2012 [LC Paper No. CB(2)1753/09-10]</p>
19 July 2010	CA Panel	<p>Administration's paper on "The methods for selecting the Chief Executive and electing the LegCo in 2012 : Main issues to be considered under local legislation" [LC Paper No. CB(2)2071/09-10(01)]</p> <p>Background brief on "Main issues to be considered under the local legislation of the two electoral methods for 2012" prepared by the LegCo Secretariat [LC Paper No. CB(2)2071/09-10(02)]</p>

<u>Date</u>	<u>Context</u>	<u>Paper</u>
30 October 2010	CA Panel	<p>Administration's paper on "Arrangements regarding the Methods for Selecting the Chief Executive and for Forming the LegCo in 2012" [LC Paper No. CB(2)150/10-11(01)]</p> <p>Background brief on "Local legislation on the methods for selecting the Chief Executive and for forming the LegCo in 2012" prepared by the LegCo Secretariat [LC Paper No. CB(2)150/10-11(02)]</p>
18 February 2011	HC	<p>Report of the Bills Committee on Chief Executive Election (Amendment) Bill 2010 and Legislative Council (Amendment) Bill 2010 [LC Paper No. CB(2)1034/10-11]</p>
4 December 2013	Council meeting	<p>Statement made by the Chief Secretary for Administration on "Consultation Document on Methods for Selecting the Chief Executive in 2017 and for Forming the LegCo in 2016"</p>
9 December 2013	CA Panel	<p>Administration's paper on "Consultation Document on Methods for Selecting the Chief Executive in 2017 and for Forming the Legislative Council in 2016" [LC Paper No. CB(2)451/13-14(01)]</p> <p>Updated background brief on "Constitutional Development" prepared by the LegCo Secretariat [LC Paper No. CB(2)451/13-14(02)]</p>