

**Statement by the Chief Secretary for Administration
on the Consultation Document on the
Methods for Selecting the Chief Executive in 2017 and
for Forming the Legislative Council in 2016
at the Legislative Council Sitting on 4 December 2013**

Mr President,

Today, the Hong Kong Special Administrative Region (“HKSAR”) Government publishes the “Consultation Document on the Methods for Selecting the Chief Executive in 2017 and for Forming the Legislative Council in 2016” (“Consultation Document”) to formally commence a five-month public consultation exercise. To show our respect and sincerity towards the Legislative Council (“LegCo”), I take this very first opportunity to attend the LegCo to make the following Statement.

Recapitulating History, Respecting Constitutional Order

2. First of all, the design and establishment of any political structure have 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, when we discuss the methods for selecting the Chief Executive (“CE”) by universal suffrage in 2017 and for forming the LegCo in 2016, we have to consider the historical background of the establishment of the HKSAR, understand the unique constitutional status of the HKSAR, and comprehend the legal framework based on the Basic Law and the relevant Interpretation and Decisions of the Standing Committee of the National People’s Congress (“NPCSC”).

3. After the signing of the Sino-British Joint Declaration, the State established the HKSAR pursuant to the Constitution of the People’s Republic of China, and enacted the Basic Law after extensive consultations so as to prescribe the systems to be implemented in the HKSAR, in order to ensure the implementation of the basic policies of the State regarding Hong Kong. The overall objective is to maintain the long-term prosperity and stability of Hong Kong.

4. The Basic Law prescribes the various systems to be implemented in the HKSAR, including the methods for selecting the CE and for forming the LegCo. Article 45 and Article 68 of the Basic Law stipulate respectively that 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 to achieve the selection of the CE by universal suffrage

upon nomination by a broadly representative nominating committee in accordance with democratic procedures, and the election of all the Members of the LegCo by universal suffrage.

5. As a matter of fact, since the establishment of the HKSAR, the political structure of Hong Kong has been developing towards the ultimate aim of universal suffrage in accordance with the Basic Law. As stipulated by the Basic Law, the office of the CE is filled by a Chinese citizen who is a permanent resident of the HKSAR, and there have since been four elections. The size of the Election Committee has also expanded from 400 members of the Selection Committee in 1996, gradually to 800 of the Election Committee in 2002 and 1 200 in 2012. As regards the LegCo, the number of seats returned by direct geographical constituency (GC) elections has gradually increased from 20 in 1998 to 35 in 2012. In addition, the five new functional constituency (FC) seats created in 2012 returned Members through election, on the basis of one-person-one-vote, by some 3.2 million registered voters who previously did not have a vote in the traditional FCs.

6. Since 2004, there have been extensive and specific discussions in the community of Hong Kong on how to amend the methods for selecting the CE and for forming the LegCo, and on issues relating to universal suffrage. According to the Basic Law and the 2004 NPCSC Interpretation, amendments to the method of selection / formation have to go through the “Five-step Process” according to the law:

First Step – the CE to make a report to the NPCSC, so as to invite the NPCSC to decide whether it is necessary to amend the method of selection / formation;

Second Step – the NPCSC to make a determination on whether any amendment to the method of selection / formation may be made;

Third Step – if the NPCSC determines that amendments to the method of selection / formation may be made, the HKSAR Government to introduce to the LegCo a resolution on the amendments to the method for selecting the CE / method for forming the LegCo, to be passed by a two-thirds majority of all LegCo Members;

Fourth Step – the CE to consent to the resolution as passed by the LegCo; and

Fifth Step – the CE to lodge the relevant bill to the NPCSC for approval or for the record.

Therefore, to successfully implement universal suffrage for the CE in 2017, the Central Authorities, the HKSAR Government, the LegCo, as well as the Hong Kong general public, all have their respective important roles to play.

7. In December 2007, the NPCSC adopted a Decision that clearly provides a timetable for universal suffrage in Hong Kong, i.e., the election of the CE in the year 2017 may be implemented by the method of universal suffrage; and after the CE is selected by universal suffrage, the election of the LegCo may be implemented by the method of electing all the Members by universal suffrage.

8. This part of the historical account, from the enactment of the Basic Law stipulating the ultimate aim of universal suffrage and up to the Decision adopted by the NPCSC in 2007 providing for a timetable for universal suffrage, fully demonstrates the determination and commitment of the Central Authorities towards the implementation of universal suffrage in the HKSAR.

9. Mr President, the 2007 NPCSC Decision is an important milestone in the constitutional development of Hong Kong; it is also an important step towards universal suffrage for Hong Kong. I can still recall that when I, as the then Secretary for Development, attended a briefing session at the Government House together with colleagues, and heard Mr Qiao Xiaoyang, the then Deputy Secretary General of the NPCSC, saying that Hong Kong had her own timetable for universal suffrage, I was very excited and looked forward to its fruition. The year 2017 would be the first time that the CE of the HKSAR is to be returned by the method of universal suffrage. The ultimate aim of universal suffrage for the CE, as stipulated in the Basic Law, is just round the corner.

10. In the course of attaining the ultimate aim of universal suffrage and in devising a model for implementing universal suffrage, we must ensure that the relevant selection / formation methods are consistent with the basic policies of the State regarding Hong Kong and the four key principles on constitutional development under the Basic Law are conformed to, i.e.:

(a) meeting the interests of different sectors of the society;

- (b) facilitating the development of the capitalist economy;
- (c) gradual and orderly progress; and
- (d) appropriate to the actual situation in the HKSAR.

11. According to the Basic Law and the 2004 NPCSC Interpretation, the “Five-step Process” must be followed in amending the methods for selecting the CE and for forming the LegCo. They are the necessary constitutional procedure that we need to go through. In handling issues relating to constitutional development, the Central Authorities, the CE, the HKSAR Government, the LegCo, and indeed all sectors of the community, must strictly follow the law.

Launching the Public Consultation, Listening to Views of the Public

12. The HKSAR Government is devoted and determined to successfully implement the universal suffrage for the CE in 2017. In his Manifesto and his first Policy Address after taking office, the CE had clearly pointed out that, acting strictly in accordance with the Basic Law and relevant Decisions of the NPCSC, he would strive to secure support from the Central Authorities and Members of the LegCo, and to forge consensus and take forward the accomplishment of the aim of universal suffrage. Since taking office, the CE and his team have been maintaining communications and dialogues with various sectors of the community to understand their positions and listen to their views, in order to lay a good foundation for the consultation on constitutional development.

13. In October this year, the CE announced the establishment of the Task Force on Constitutional Development led by me, to prepare for the launch of the public consultation on constitutional development. As the Chief Secretary for Administration, I am delighted to take up this important task to achieve our shared vision of universal suffrage with the people of Hong Kong. Today, the Government publishes the Consultation Document to formally commence the preparation for the constitutional procedure, as the first step to take forward the amendments of the method of selection / formation.

14. The period of consultation is a full five months, which is slightly longer than other public consultation exercises. Constitutional development is an important issue, as well as an issue of great concern of the entire community. Therefore, we deliberately reserve adequate time for the community to have full discussions with a view to forging consensus.

15. The Consultation Document sets out the background and principles of constitutional development in Hong Kong, as well as certain key issues relating to the method of selection / formation under the framework of the Basic Law and the relevant NPCSC Interpretation and Decisions to consult the public. The key issues relating to the method for selecting the CE include:

- (a) size and composition of the Nominating Committee (“NC”);
- (b) electorate base of the NC;
- (c) method for forming the NC;
- (d) procedure for the NC to nominate CE candidates;
- (e) voting arrangements for electing the CE by universal suffrage;
- (f) procedure for appointing the CE and the linkage with local legislation; and
- (g) political affiliation of the CE.

16. The key issues relating to the method for forming the LegCo include:

- (a) number of seats and composition of the LegCo;
- (b) composition and electorate base of FCs; and
- (c) number of GCs and number of seats in each GC.

17. During the five-month period of public consultation, we welcome the people of Hong Kong and different sectors of the community to have focused discussions on issues relating to the method of selection / formation. We will extensively collect views and suggestions from members of the community, and after the consultation period, faithfully summarise and consolidate the views and suggestions so received, so as to assist the CE to make a report to the NPCSC to commence the constitutional procedures on the constitutional development of Hong Kong. During this period, the three members of the Task Force on Constitutional Development, as well as the entire team of Politically Appointed Officials and relevant civil service colleagues will have exchange with and directly listen to views from people and organisations from different sectors of the community.

Forging Consensus and Moving Forward Together

18. Mr President, the public consultation launched today is the preparatory work to commence the “Five-step Process”. To successfully implement universal suffrage for the CE, we have to complete all the steps in accordance with the legal procedure, of which the most crucial step is to secure the passage by a two-thirds majority of all the Members of the LegCo. In 2005, the proposal put forward by the then HKSAR Government, though supported by a majority of the public, did not ultimately obtain enough votes in the LegCo, resulting in an impasse in the constitutional development of Hong Kong. With a pragmatic and accommodating approach adopted by all of us, the 2010 constitutional development proposals were passed by more than two-thirds of all Members of the LegCo, obtained the consent of the CE, and received the approval or record by the NPCSC respectively; and the “Five-step Process” was historically completed.

19. Today, we have formally stepped onto the straight road of welcoming universal suffrage. According to the 2007 NPCSC Decision, the selection of the CE by universal suffrage is a pre-condition for the election of all Members of the LegCo by universal suffrage. We need all Members here, people across the political spectrum, as well as various sectors of the community to work together to forge consensus. I would like to take this opportunity to urge all Members here, all political parties, as well as the public at large, to adopt an accommodating, rational and pragmatic approach, as well as an inclusive attitude to seek common ground, and with the deepest sincerity to forge the biggest consensus, so that the universal suffrage for the CE in 2017, a common aspiration for all, could be implemented successfully.

Conclusion

20. Mr President, Leaders of the State have repeatedly stressed that it is the sincere wish of the Central Authorities that Hong Kong could implement universal suffrage for the CE in 2017 in accordance with the Basic Law and Decisions of the NPCSC. This is also the constitutional responsibility of the HKSAR Government and a common aspiration of the people of Hong Kong. As to how it could be implemented on the basis of the Basic Law and the Decisions of the NPCSC, I hope that different sectors of the community and the public at large could give us your views.

21. We understand that constitutional development has always been a controversial and extremely complicated issue. We will not underestimate the difficulties of this task, nor will we evade them. As

the CE has said the other day, the year 2017 will be a historic moment for Hong Kong to have a chance to achieve universal suffrage for the CE; faced with such a duty, any political figure, including himself, would do his utmost to carry out the task. The HKSAR Government would do all it can to carry out the consultation exercise and all the subsequent works.

22. With the concerted efforts by all of us, differences can be narrowed step by step and consensus forged bit by bit. Today, the HKSAR Government, through the publication of the Consultation Document and the commencement of the consultation exercise, is taking the first step. The future is in our hands. For the purpose of achieving universal suffrage and for the future of Hong Kong, I sincerely hope that people of Hong Kong, especially all Members here, could work together to forge consensus through rational and pragmatic discussions, and with an open and accommodating mind.

23. Thank you, Mr President.

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