

# OFFICIAL RECORD OF PROCEEDINGS

Thursday, 18 June 2015

The Council continued to meet at Nine o'clock

## MEMBERS PRESENT:

THE PRESIDENT

THE HONOURABLE JASPER TSANG YOK-SING, G.B.S., J.P.

THE HONOURABLE ALBERT HO CHUN-YAN

THE HONOURABLE LEE CHEUK-YAN

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHAN KAM-LAM, S.B.S., J.P.

THE HONOURABLE LEUNG YIU-CHUNG

THE HONOURABLE EMILY LAU WAI-HING, J.P.

THE HONOURABLE TAM YIU-CHUNG, G.B.S., J.P.

THE HONOURABLE ABRAHAM SHEK LAI-HIM, G.B.S., J.P.

THE HONOURABLE TOMMY CHEUNG YU-YAN, S.B.S., J.P.

THE HONOURABLE FREDERICK FUNG KIN-KEE, S.B.S., J.P.

THE HONOURABLE VINCENT FANG KANG, S.B.S., J.P.

THE HONOURABLE WONG KWOK-HING, B.B.S., M.H.

PROF THE HONOURABLE JOSEPH LEE KOK-LONG, S.B.S., J.P., Ph.D.,  
R.N.

THE HONOURABLE JEFFREY LAM KIN-FUNG, G.B.S., J.P.

THE HONOURABLE ANDREW LEUNG KWAN-YUEN, G.B.S., J.P.

THE HONOURABLE WONG TING-KWONG, S.B.S., J.P.

THE HONOURABLE RONNY TONG KA-WAH, S.C.

THE HONOURABLE CYD HO SAU-LAN, J.P.

THE HONOURABLE STARRY LEE WAI-KING, J.P.

DR THE HONOURABLE LAM TAI-FAI, S.B.S., J.P.

THE HONOURABLE CHAN HAK-KAN, J.P.

THE HONOURABLE CHAN KIN-POR, B.B.S., J.P.

DR THE HONOURABLE PRISCILLA LEUNG MEI-FUN, S.B.S., J.P.

DR THE HONOURABLE LEUNG KA-LAU

THE HONOURABLE CHEUNG KWOK-CHE

THE HONOURABLE WONG KWOK-KIN, S.B.S.

THE HONOURABLE IP KWOK-HIM, G.B.S., J.P.

THE HONOURABLE MRS REGINA IP LAU SUK-YEE, G.B.S., J.P.

THE HONOURABLE PAUL TSE WAI-CHUN, J.P.

THE HONOURABLE ALAN LEONG KAH-KIT, S.C.

THE HONOURABLE LEUNG KWOK-HUNG

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE WONG YUK-MAN

THE HONOURABLE CLAUDIA MO

THE HONOURABLE MICHAEL TIEN PUK-SUN, B.B.S., J.P.

THE HONOURABLE JAMES TIEN PEI-CHUN, G.B.S., J.P.

THE HONOURABLE NG LEUNG-SING, S.B.S., J.P.

THE HONOURABLE STEVEN HO CHUN-YIN

THE HONOURABLE FRANKIE YICK CHI-MING

THE HONOURABLE WU CHI-WAI, M.H.

THE HONOURABLE YIU SI-WING

THE HONOURABLE GARY FAN KWOK-WAI

THE HONOURABLE MA FUNG-KWOK, S.B.S., J.P.

THE HONOURABLE CHARLES PETER MOK, J.P.

THE HONOURABLE CHAN CHI-CHUEN

THE HONOURABLE CHAN HAN-PAN, J.P.

DR THE HONOURABLE KENNETH CHAN KA-LOK

THE HONOURABLE CHAN YUEN-HAN, S.B.S., J.P.

THE HONOURABLE LEUNG CHE-CHEUNG, B.B.S., M.H., J.P.

THE HONOURABLE KENNETH LEUNG

THE HONOURABLE ALICE MAK MEI-KUEN, J.P.

DR THE HONOURABLE KWOK KA-KI

THE HONOURABLE KWOK WAI-KEUNG

THE HONOURABLE DENNIS KWOK

THE HONOURABLE CHRISTOPHER CHEUNG WAH-FUNG, S.B.S., J.P.

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

THE HONOURABLE SIN CHUNG-KAI, S.B.S., J.P.

DR THE HONOURABLE HELENA WONG PIK-WAN

THE HONOURABLE IP KIN-YUEN

DR THE HONOURABLE ELIZABETH QUAT, J.P.

THE HONOURABLE MARTIN LIAO CHEUNG-KONG, S.B.S., J.P.

THE HONOURABLE POON SIU-PING, B.B.S., M.H.

THE HONOURABLE TANG KA-PIU, J.P.

DR THE HONOURABLE CHIANG LAI-WAN, J.P.

IR DR THE HONOURABLE LO WAI-KWOK, B.B.S., M.H., J.P.

THE HONOURABLE CHUNG KWOK-PAN

THE HONOURABLE CHRISTOPHER CHUNG SHU-KUN, B.B.S., M.H., J.P.

THE HONOURABLE TONY TSE WAI-CHUEN, B.B.S.

**MEMBER ABSENT:**

DR THE HONOURABLE LAU WONG-FAT, G.B.M., G.B.S., J.P.

**PUBLIC OFFICERS ATTENDING:**

THE HONOURABLE MRS CARRIE LAM CHENG YUET-NGOR, G.B.S., J.P.  
THE CHIEF SECRETARY FOR ADMINISTRATION

THE HONOURABLE JOHN TSANG CHUN-WAH, G.B.M., J.P.  
THE FINANCIAL SECRETARY

THE HONOURABLE RIMSKY YUEN KWOK-KEUNG, S.C., J.P.  
THE SECRETARY FOR JUSTICE

PROF THE HONOURABLE ANTHONY CHEUNG BING-LEUNG, G.B.S.,  
J.P.  
SECRETARY FOR TRANSPORT AND HOUSING

THE HONOURABLE TSANG TAK-SING, G.B.S., J.P.  
SECRETARY FOR HOME AFFAIRS

THE HONOURABLE MATTHEW CHEUNG KIN-CHUNG, G.B.S., J.P.  
SECRETARY FOR LABOUR AND WELFARE

MR GODFREY LEUNG KING-KWOK, J.P.  
SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT

THE HONOURABLE RAYMOND TAM CHI-YUEN, G.B.S., J.P.  
SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS

THE HONOURABLE LAI TUNG-KWOK, S.B.S., I.D.S.M., J.P.  
SECRETARY FOR SECURITY

THE HONOURABLE EDDIE NG HAK-KIM, S.B.S., J.P.  
SECRETARY FOR EDUCATION

THE HONOURABLE PAUL TANG KWOK-WAI, J.P.  
SECRETARY FOR THE CIVIL SERVICE

DR THE HONOURABLE KO WING-MAN, B.B.S., J.P.  
SECRETARY FOR FOOD AND HEALTH

THE HONOURABLE WONG KAM-SING, J.P.  
SECRETARY FOR THE ENVIRONMENT

THE HONOURABLE PAUL CHAN MO-PO, M.H., J.P.  
SECRETARY FOR DEVELOPMENT

MR SHIU SIN-POR, S.B.S., J.P.  
HEAD, CENTRAL POLICY UNIT

MR JAMES HENRY LAU JR., J.P.  
UNDER SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY

MR ERIC MA SIU-CHEUNG, J.P.  
UNDER SECRETARY FOR DEVELOPMENT

**CLERKS IN ATTENDANCE:**

MISS FLORA TAI YIN-PING, ASSISTANT SECRETARY GENERAL

MISS ODELIA LEUNG HING-YEE, ASSISTANT SECRETARY GENERAL

## MOTIONS

**PRESIDENT** (in Cantonese): Good morning, Members. We now continue with the debate on the motion concerning the amendment to the method for the selection of the Chief Executive of the Hong Kong Special Administrative Region.

### **MOTION CONCERNING THE AMENDMENT TO THE METHOD FOR THE SELECTION OF THE CHIEF EXECUTIVE OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION**

#### **Continuation of debate on motion which was moved on 17 June 2015**

**MR CHARLES PETER MOK** (in Cantonese): President, the Government of the Hong Kong Special Administrative Region (SAR) said that universal suffrage is just a step away, which is untrue. Quite the contrary, if we accept this package of bogus universal suffrage, we will be going in an entirely wrong direction with no turning back.

The idea of universal suffrage is simple. Apart from the equal right to vote of "one person, one vote", there should also be the equal right to nominate without unreasonable restrictions and the right to be nominated to stand for election. None of these rights is dispensable. The Communist Party of China also said so before it came to power.

However, the Standing Committee of the National People's Congress (NPCSC) shut the door on 31 August, making it impossible for the requirements of universal suffrage to be met within this framework. The formation of the nominating committee (NC) will follow the current composition of the Election Committee (EC). Despite a lot of proposals put forward in the community, whether by the pan-democratic camp or some members of the pro-establishment camp, for enhancing the representativeness of the NC over the past two years or so, the SAR Government and the Central Government have turned a blind eye and a deaf ear to them. Instead, they have blamed the pan-democrats for wasting time in proposing civic nomination. However, civic nomination did command support from most people in the community at the time. Besides, when the proposal for civic nomination was put forward, did the Government seriously discuss it with the public? With a mere utterance that it was not in line

with the Basic Law, the Government simply shoved this proposal aside, so how did it waste any of their time? Civic nomination aside, the Government completely neglected all the other proposals for expansion of the NC. Therefore, it was these proposals that were really wasted by the Government. In the end, the Government could even go so far as to totally ignore these discussions and proposals for expanding the NC simply by saying that there was no time.

Moreover, given the three interlocking conditions within the framework set on 31 August, even an expansion of the NC may not be a solution, and this is most evident in the restriction that the support of half of all the NC members has to be obtained in order to secure "committee nomination". Other than this, the restriction that the NC shall nominate two to three candidates is actually very harsh too, and as we can see clearly, mathematically this can completely bring the election under control. Therefore, the moment when the 31 August framework was rolled out, universal suffrage was already sentenced to death by the NPCSC.

A screening process is a screening process. Let me cite an example to explain this. A friend of mine on Facebook has recorded a video clip and placed it on Facebook. He received a call asking him to take part in an opinion poll and he recorded the process. The system asked him whom among the three candidates he would choose. He was asked to press "1" for LEUNG Chun-ying, "2" for Regina IP, and "3" for Antony LEUNG. My friend disliked them all and so, he pressed "4", and the telephone recording said that it was not a valid choice. He, therefore, pressed it once again and the line was cut. This is precisely screening. Members of the public should actually understand it easily.

Even though we oppose the restrictions imposed by the 31 August framework, we have all along hoped that there could be a chance for discussion and negotiation. No matter how far apart our positions are, holding discussions is still better than not having any. However, the SAR Government had been filibustering and wasting time until the last moment. I still remember that at our meeting with the Chief Secretary for Administration on 21 January, some colleagues and I made a request for starting a dialogue with the Central Authorities and then on the 27th, I reiterated our request when I met with the Secretary for Constitutional and Mainland Affairs and I thought at the time that there might be a chance for a dialogue to be conducted after the New Year. Finally, it was only on 15 April, a week before the Government announced the results of the second stage consultation that we had a chance to meet with the Chief Secretary for Administration again. But discussion was already

unnecessary because all the handling methods within the framework were finalized and no further changes could possibly be made, and they met with us only to notify us of this *fait accompli*. It was not until 31 May that we met with the central officials in Shenzhen and at that time, there was already no room for discussion. Speaking of a waste of time, how many months were wasted during the interim? I can tell Members that during this period, there was no communication whatsoever and there was not any kind of contact whatsoever. They had filibustered until no time was left, driving these pan-democrat Members of us into a corner and making it impossible for us to carry out any discussion and negotiation on the people's behalf. In fact, was this a pre-written script of the SAR Government?

On 31 January, I said in a television programme that if the Central Government could undertake to abolish the functional constituencies (FCs) in 2020, the pan-democrat Members would have to consider it seriously. I only said "consider it" at the time. Perhaps I still held a bit of hope back then, and I thought that if the Central Authorities were willing to make an undertaking for abolition of the FCs, there might be a chance for some slight changes to be made to the restrictions within the 31 August framework. After I had made these remarks or carried out this test, the pro-establishment political parties came forth to resolutely oppose the abolition of FCs. Even LAU Siu-kai came forth to say that there would be no room for discussion. There was simply no room for discussion on whatever proposal we made. Therefore, concerning our stance of vetoing this package, can we still have any doubts about it now?

More importantly, from this test carried out by me, I can be certain that if we accept this model for the selection of the Chief Executive through screening within the 31 August framework, the FCs will also adopt the same method to achieve the so-called universal suffrage in the future. In other words, each FC may set up a nominating committee of an even smaller circle and after screening, candidates will be filed for selection by all Hong Kong people using "one person, one vote" to achieve the election of FC Members by universal suffrage. That would be even worse and more undemocratic than the current practices, and the situation would be condemned to a deep abyss of despair. So, some Members have said to us that if we do not pass the method for the selection of the Chief Executive by universal suffrage in 2017, how can it be possible for all Members of the Legislative Council to be elected by universal suffrage in 2020? This is downright a scam. If we accept this package now, we would be even more uncertain about the method to be adopted to implement the so-called universal

suffrage in 2020 to elect Members of the Legislative Council through bogus universal suffrage.

President, recently, in an exclusive interview with a pro-China media corporation, Director WANG Guangya said that it was misleading to equate "pocket it first" with "pocket it forever". He came forth to make this remark only a day or two before the package would be debated and put to vote, so why did they act in the way they did? Furthermore, he really did say it at that time, and the view of "pocket it forever" was not thought up by us. Most importantly, he has never told us under what circumstances amendments can be made to the 31 August framework in the future. He has not said a word at all. In other words, only the so-called refinement can be made within the 31 August framework forever. The equal rights to nominate and to be nominated that I have just mentioned will never exist. Instead, bogus universal suffrage, which will be implemented even for the FCs, is going to exist forever.

President, recently we have heard a slogan over and over again and I also heard people chant it loudly outside this Chamber, which says that there is no distinction between genuine and bogus universal suffrage. Well, is there any distinction between genuine and counterfeit powdered formula? Some Members said that they want universal suffrage but they want banknotes more. Is there a distinction between genuine and counterfeit banknotes? If you say that there is no distinction between genuine and bogus universal suffrage, it is tantamount to admitting that this package of universal suffrage is bogus. You have the absolute power to interpret laws and you can give me counterfeits. Whether you are giving me counterfeit powdered formula, counterfeit banknotes or bogus universal suffrage, the only thing I can do is not to accept these things. Now that you have even shifted the responsibility onto these victims of us. What you are doing is to blame the victim. You are exactly like "TING Hai" who, after assaulting other people, said that everything is the other party's fault. No wonder the television station has chosen to show reruns of "The Greed of Man" at this time.

The Government has not seriously listened to the public opinion, nor has it helped arrange any discussion between the public and the Central Government. It has not striven for support according to the public opinion in Hong Kong. It has not put forward any proposal that can truly secure the support of a great majority of Hong Kong people. It has only shifted the responsibility onto ordinary Hong Kong people like us who have neither power nor clout and who

can only make our utmost effort to defend what is left of our core values. The Government has even sought to divert the attention time and again, blaming us for bundling ourselves together in the vote. Can anyone of us in the pro-democracy camp be possibly bundled up by anything? Sorry, we have our own principles; we have our convictions; we have the ability to distinguish between right and wrong; and we have free choices. It is our own choice to stand united and to resolutely oppose this package of bogus universal suffrage.

President, the public opinion can be the cause of success or failure. But what is the public opinion? The biggest reason for the failure of this constitutional reform package is certainly that this is bogus universal suffrage but at the same time, the Government had lied to the extent that even the Government itself believed it to be true, thinking that it would ultimately obtain support from the majority public. No one would have expected that the support from 60%, 70% or 80% of the people that they had told us about is nowhere to be seen now.

As evident in the results of various neutral opinion polls, the support rate of the constitutional reform package is in the range between some 40% and around 51%, whereas the opposition rate is around 40% to 44%. This shows that the public opinion on this package is divided in Hong Kong, meaning that the Government has not put forward a package that can truly be passed by two thirds of Members of the Legislative Council on behalf of a great majority of Hong Kong people. The normal course of action is, of course, to reject it and make the Government do its job properly. What makes it think that it can tell us to act against the public wish? The situation is like the pro-establishment camp conspiring with the Government to force us to pass this proposal. Forcing it through will only cause further divisions in society and do more harm to society and the economy. It is only responsible to reject a proposal which is not up to par.

Speaking of public opinion, over a long period of time in the past, we have clearly seen during this movement that the professionals and people with a higher level of education who are the pillars of Hong Kong society have all along been inclined to oppose this package. According to the rolling survey conducted by the three universities, among people educated to the tertiary level or above, the opposition rate has remained at over 60% whereas the support rate is only 33%. Among the young people, the trend of persistent majority opposition is all the more obvious.

In the course of this constitutional reform, we have seen some very encouraging phenomena, which have pointed to the awakening of the professionals. In our training as professionals, it is emphasized that our bounden duty and responsibility require us to act on our expertise and conscience in the spirit of seeking the truth on all matters. Therefore, it is impossible for us to accept the nonsense that there is no distinction between genuine and bogus universal suffrage and what is more, we must firmly uphold the principle of daring to say "No" to power, that is, we must "speak truth unto power". In the past few months, 12 professional bodies made up of professionals including lawyers, doctors, nurses, radiologists, psychologists, actuaries, teachers, social workers, architects, artists, as well as two bodies in our information technology sector (namely, the Frontline Tech Workers Concern Group and IT Voice), have taken the initiative to come forth to explain to the public why "pocket it first" is out of the question. We FC Members representing these sectors are greatly moved and encouraged by them. We thank them for their efforts. They are fair and rational; they have knowledge, ideals and dynamics; and they are most persevering. Seeing their toil and perseverance, we once again feel that when facing cardinal issues of right and wrong, Hong Kong people are absolutely confidence inspiring!

Inside these boxes on our desks — which can be found on the desks of many Members — are "one person, one letter" collected from some 7 000 members of the public by the 12 professional bodies. I can show Members these 7 000-odd letters inside the boxes. However, Mr CHAN Kam-lam said most maliciously yesterday that these are the coffins that the pan-democracy camp should crawl into. He has the habit of insulting his political rivals. I do not mind it and he can insult me, but even though he refused to listen to the views of the public, he should not insult Hong Kong people and these concerned professionals.

President, the day before yesterday marked the 800th anniversary of the enactment of the Magna Carta in the United Kingdom. The Magna Carta has far-reaching implications on the development of Western democracies and has become universal values. Clause 40 provides that "To no one will we sell, to no one deny or delay right or justice". It means that the ruler accepts that he shall exercise self-control and be regulated and governed by the law, and that he must not abuse his powers arbitrarily. In China, however, the people are made to accept that the State governs its people in accordance with law. Laws are enacted by the State unilaterally in a manner that it has all the say, in order to

impose control on the people and ensure the continuation and expansion of the principle that the Party is above the law. The stronger the country, the more serious the abuse of powers as we have seen.

Therefore, what can we do after vetoing the constitutional reform package? The pro-establishment camp have all along been quite consistent in their line. Yesterday, Stanley NG of the Hong Kong Federation of Trade Unions said that the door of communication between the Central Authorities and the pan-democrats was closed. What a remark it is, which is tantamount to saying that those who comply with me shall live and those who resist me shall perish. Added to this is LEUNG Chun-ying's favourite line of "vote them out". Do they really want to "make it happen" in 2017? Not really, for their true intention is to snatch a great majority of seats in the Legislative Council as they must monopolize the executive and the legislature before they can do what they like. No wonder we all along had the feeling that the Government had not made the utmost effort to conduct public consultation, that it had not made the utmost effort to lobby for support, that it had not done everything it could to strive for support from the Central Authorities in accordance with the public opinion in Hong Kong, and that it had not exerted its utmost to draw up a package which could obtain widespread public support and which could be passed by the Legislative Council, and even when it put forward a rotten proposal, it still did not do its utmost to lobby for support. I now realize that they actually do not wish to see the proposal passed. This is a scam, a scam created for Hong Kong to be continually controlled by people with vested interests.

As we have seen from the reports, the Government and the pro-establishment camp can conspire with each other to the extent that they can even fully control the proceedings of our meetings today and yesterday. Do Hong Kong people wish to see that all the decisions in society, be it a minor one about when a certain project should be put to vote or a major one on projects with a bearing on the people's livelihood and economic development, are monopolized by a small group of people with vested interests, resulting in all the powers being tilted to these people with vested interests?

However, although a great many Hong Kong people are gradually losing their confidence in the Central Authorities, it is actually not the case that we do not wish to identify ways to make improvements by all means. Of course, the biggest obstacle we face now may precisely come from the SAR Government and

this Chief Executive who is fond of struggles. That said, we are still duty-bound to defend "a high degree of autonomy" and "one country, two systems" in a sense true to the promise originally given to Hong Kong people.

Today, it is actually with a heavy heart that we veto this package, because we are still unable to fight for universal suffrage for Hong Kong people and together with Hong Kong people. However, I share the view expressed by Mr Alan LEONG yesterday. So long as Hong Kong people can firmly uphold our core values and so long as we are persistent in embracing what is good and insisting on it, Hong Kong people will achieve genuine universal suffrage one day, and the economic and social development in Hong Kong can return to the right track of prosperity, fairness and justice. Therefore, we will veto the package in order to stop Hong Kong from taking onto the wrong track, and only in this way can we do justice to our next generation!

Thank you, President. I oppose the motion. I so submit.

**MR GARY FAN** (in Cantonese): President, I rise to speak on behalf of the Neo Democrats to resolutely vote down the proposal for the 2017 Chief Executive Election by bogus universal suffrage put forward by the Special Administrative Region (SAR) Government. I would also like to take this opportunity to urge Beijing to withdraw the 31 August Decision of the National People's Congress (NPC). I have to truly reflect Hong Kong people's opinion on their pursuit of genuine universal suffrage.

President, since the handover of sovereignty, Beijing has been perfidious with regard to the promise of universal suffrage stated in the Basic Law. Since the SAR Government launched the consultation on the reform for the 2017 Chief Executive election, Beijing has narrowed Hong Kong people's discussion on constitutional reform in a planned manner. First, Beijing released the White Paper on "one country, two systems" in June 2014, stressing that "one country" overrides "two systems". Later, it promulgated the 31 August Decision in August, placing multiple hurdles in the Chief Executive election proposal. LI Fei, the Deputy Secretary General of the Standing Committee of the NPC and the Chairman of the Committee for the Basic Law, claimed at the end of last month that the 31 August Decision is permanently effective. All of these corroborate that Beijing has tightened the framework of the constitutional reform package

step by step. The stipulation that the Nominating Committee (NC) enjoys the sole right of nomination, coupled with various restrictions, has aggravated the situation, leaving us with nothing but the slogan "Your vote. Don't cast it away". This vote is like some alms doled out by Beijing. Moreover, we can only choose among the selected candidates, without any other choice.

Hong Kong people did not resign themselves to fate. The whole Umbrella Movement and the rallies outside the Legislative Council Complex these few days have precisely told the Government and Beijing that the fight for genuine universal suffrage is the righteous cause that Hong Kong people in our generation are obliged to champion. We absolutely will not "pocket it first" and compromise on a package of bogus universal suffrage. Otherwise, we will be doing a disservice to our next generation.

President, Beijing has repeatedly claimed that Hong Kong people should look into the proper meaning of "one country, two systems" afresh. In fact, it is tightening the autonomy of the SAR Government and dialling up its suppression on Hong Kong people's room for the pursuit of democracy. Co-operating with Beijing, the SAR Government and members of the pro-establishment camp in Hong Kong, including Elsie LEUNG and TUNG Chee-hwa, try to instil in Hong Kong people the idea that "one country" overrides "two systems" through their huge public opinion machine, hypocritical rhetoric and political lies. They even have no qualms about turning the Hong Kong Police Force into a stability preservation force through the hands of TSANG Wai-hung, the Commissioner of Police. They do it in the name of according priority to the protection of national security in Hong Kong's development of democracy. In reality, they seek to preserve the political influence of those with vested interests, thus depriving Hong Kong people of their right of political participation.

President, the Government's package emphasizes that it will enable 5 million eligible voters to elect the Chief Executive by "one person, one vote", but actually it is just calling a stag a horse, confounding right with wrong because the composition of the NC in the constitutional reform package is a mere replica of the present 1 200-member Election Committee. In addition, to getting the "committee nomination", a candidate must obtain the endorsement of more than half of the NC members. This system enables Beijing to easily select candidates ordained by the leaders in Beijing for "committee nomination" by controlling the

NC. Even though Hong Kong people have got a vote, they cannot have any real choice at all. Left with only rotten eggs and oranges after screening, how will Hong Kong people have a choice?

In the referendum held on 22 June last year, 800 000 Hong Kong people used their votes to express their support for direct civic nomination in the Chief Executive election. However, the SAR Government refused to respond to the public opinion. Neither did it truly reflect Hong Kong people's wish to Beijing. Now that the constitutional reform package has imposed multiple hurdles, the SAR Government still shamelessly calls a stag a horse and confounds right with wrong, claiming that election by "one person, one vote" is equivalent to genuine universal suffrage. To hard-sell the constitutional reform package, LEUNG Chun-ying has no scruples to say that election in North Korea also represents universal suffrage. Undoubtedly, he is lying to Hong Kong people, fooling the public and deceiving children.

In fact, compared with the political systems in totalitarian countries like North Korea, Russia and Iran, the Government's proposals show great resemblance in terms of the eligibility to stand for election or the threshold for "members recommendation". In North Korea, the list of candidates for the highest leadership is determined by the Workers' Party of Korea in power. Under the electoral system in Iran, the Guardian Council of the Constitution comprising 12 members appointed by Iran's highest spiritual leader will scrutinize the candidates' political and religious background and screen out any dissident. In Russia, although there is civic nomination in the presidential election, the Central Election Commission formed by 15 members appointed by the President and the Federal Assembly can prevent any member of the opposition camp from becoming a candidate by vetting the nominations.

President, the electoral systems of the three countries mentioned just now are all legal and compliant with their constitutions, but these systems actually serve to consolidate the rulers' power. The people do not have any real choice. "One person, one vote" is simply a means to put democracy into practice. Yet a more important ideology behind democracy is the insistence on freedom and equality. Free and equal rights to vote and stand for election are the elements most lacking in this 2017 constitutional reform package proposed by the Government.

Hong Kong people's aspiration in the Umbrella Movement was to take fate into their own hands. The democratic political system we desire is a sound political system which adopts a bottom-up approach, under which the power to rule is obtained as a mandate from the public. Only then will the SAR Government become a government which is genuinely accepted by the people and which can address all kinds of livelihood issues and social conflicts in Hong Kong in a fair and reasonable manner. Regrettably, the SAR Government ignores the public opinion expressed by hundreds of thousands of Hong Kong people during the Umbrella Movement. Many Hong Kong people begin to feel helpless in their fight for democracy, thinking that civil disobedience has no effect on the authoritarian political regime. Some academics have also pointed out that Hong Kong may go towards cynicism after the Umbrella Movement. Some people choose to take bold actions, while some others feel disheartened and frustrated. Some young people consider that protests are useless, and so are confrontations in the legislature and the 79-day Occupy movement. They regard reasoning with the authoritarian Government as playing the lute to a cow. However, here I wish to tell Hong Kong people that they should never lose their confidence, and they should never feel hopeless either.

President, when Winston CHURCHILL became the Prime Minister, Britain was engaged in the Second World War. To encourage the masses suffering from the War, he delivered a famous speech in which he said, "I have nothing to offer but blood, toil, tears and sweat." In the present stifling political atmosphere in Hong Kong, what the pan-democratic camp can devote itself to and rely on are principles, conscience and public opinions — the opinions of Hong Kong people. It is because we believe every one of us has the right to master our own fate. "Save our own Hong Kong." Every one of us is duty-bound to guard Hong Kong and safeguard our core values such as human rights, the rule of law, equality and probity. We cannot watch Hong Kong become red and Mainlandized without doing anything.

We understand that even though the goals of the democratic movement are clear, the path in the fight for democracy has always been rough. Or SUN Yat-sen, who took forward the revolution to overthrow the imperial system in China for the first time in history and establish the Republic of China, had spent 16 years altogether before he could succeed. From the establishment of Xing Zhong Hui (Revive China Society) at the beginning to the subsequent Tong Meng Hui (Chinese Revolutionary Alliance), he carried out plenty of publicity work and

built up revolutionary theories during these 16 years with a view to seeking public support. During that period, he experienced all kinds of minor and major failures. It was not until the tenth uprising, that means the Wuchang Uprising, that he finally succeeded in overthrowing the Manchu Dynasty.

In the United States, Dr Martin Luther KING, the black civil rights leader, initiated in 1995 the bus boycott, which lasted more than a year, against the bus company which designated seats exclusive to white people and discriminated against black people. In the following 10 years, he dedicated himself fully to the civil rights movement and delivered the famous "I Have a Dream" speech. Eventually, he succeeded in pushing the Congress of the United States to pass the Civil Rights Act and the Voting Rights Act, thus putting the apartheid policy which had been adopted in America for as long as 70 years to an end.

The first black President of South Africa, Nelson MANDELA, did not have an easy path in his struggle for democracy and human rights either. During his 20 years of dedication to the anti-apartheid movement, MANDELA faced increasingly violent oppression by the rulers. He had been imprisoned for 27 years, during which more black people were inspired to participate in the struggle. Consequently, South Africa abolished the apartheid policy in 1990, and MANDELA was later elected as President of South Africa.

President, Hong Kong people have been striving for democracy for 30 years from the fight for direct elections in 1988 to the great march on 1 July 2003 when 500 000 people took to the streets, and then to the 79-day Umbrella Movement which astonished the world last year, that means 2014. At that time Hong Kong people were treated to batons, tear gas and pepper spray. Despite the increasingly stronger suppression, Hong Kong people would courageously come forward to speak out at every critical moment. When the students started the class boycott at the end of September last year, no one expected that it would develop into a territory-wide movement with momentum even greater than the Sunflower Movement in Taiwan. Those who stayed on guard in the street included the elderly, women and professionals. Now various student organizations, professional bodies and participants in the Umbrella Movement are still playing their respective roles on the path to democracy and advocating the ideology of democracy to the public, thus enabling the movement to mushroom across the territory.

President, I would like to say that even if civil disobedience cannot achieve any concrete result at the moment, as our senior Mr LEE Yee has said, as long as it is the people's common wish, anything is possible, and any miracle is possible. The veto by the Legislative Council of this constitutional reform package of bogus universal suffrage is not the end of the story. Even though we do not succeed in getting genuine universal suffrage this time, as long as we do not give up, we have not lost. This time the losers are Beijing and the SAR Government because they have lost Hong Kong people's trust. So long as people in support of democracy vote out the pro-establishment camp who support this constitutional reform package of bogus universal suffrage in the coming elections, using their votes to demonstrate to the authoritarian Government the public opinion in Hong Kong, there is still hope in our fight for universal suffrage.

After the constitutional reform package is voted down this time around, the SAR Government is bound by its constitutional duty under the Basic Law to continue to promote constitutional reform. Otherwise, this SAR Government which lacks legitimacy and recognition will inevitably face further crises in governance. What LEUNG Chun-ying describes as focus on livelihood issues and economic development will only turn out to be small favours handed out blindly to woo the public. The important public policies in Hong Kong will still be tilted to those vested interests. The fruits of economic development will still be monopolized by a small number of people. For example, the North East New Territories development project which exchange for property development by way of destroying homes and villages, the "white elephant" project for the third airport runway which is likely to repeat the problem of the Guangzhou-Shenzhen-Hong Kong Express Rail Link with co-location of immigration and customs facilities, as well as the policy on the Individual Visit Scheme which sacrifices Hong Kong people's living space in exchange for China-Hong Kong integration, will continue to expand. Problems of collusion between the Government and the business sector, real estate hegemony and the wealth gap will persist.

For this reason, after the Legislative Council has voted down the constitutional reform package today, the SAR Government must expeditiously reactivate the "Five-step Process". The NPC should withdraw the 31 August Decision so that the new submission on the Chief Executive election proposal can truly reflect Hong Kong people's aspiration for democracy. Civic nomination should be included to select candidates by merit under a sound political system.

Only then will the Government's administration be able to serve the biggest interest of Hong Kong people and genuinely resolve the present disputes and split in Hong Kong.

President, the Neo Democrats was founded in 2010 to object to the then constitutional reform package. Ever since our party was founded, our political platform has stated clearly that we strive for the implementation of a fully democratic system which gives every citizen the right to participate in elections. Before I was elected as a Legislative Council Member of the current term, one of the most important promises I made in the election was to exercise my constitutional right to vote against any constitutional reform package of bogus universal suffrage. To date, the Neo Democrats has never forgotten our original intention.

Hence, with these remarks, I will vote against the proposal for bogus universal suffrage for the 2017 Chief Executive Election.

**PRESIDENT** (in Cantonese): Does any other Member wish to speak?

**DR ELIZABETH QUAT** (in Cantonese): President, can we give up Diaoyu Island? Can we give it up because it is just an uninhabited island? I would like the pan-democrat Members to answer this question and hope other Members can think about it, too.

Over the past 20 months, there have been incessant disputes over the constitutional reform. Many students and members of the public have asked me this question: What has Hong Kong's constitutional reform to do with national sovereignty and security? I asked them this question in return: Can we give up Diaoyu Island? When I asked several hundred students in the Legislative Council the same question, they all replied that they could definitely not give up Diaoyu Island. When I asked them to explain why, they replied that Diaoyu Island concerned national sovereignty and dignity because it was part of China, and national security would be affected, too. Some people even held that we could not yield an inch because it was a cardinal issue of right and wrong. I then asked the students these questions: "What about Hong Kong? Can the State give up its sovereignty and jurisdiction over Hong Kong?", all of them replied,

"Certainly not.". I then asked them these questions, "If you were the State leader, would you risk allowing Hong Kong to select someone who might be a supporter for independence of Hong Kong as the Chief Executive? Would it pose risks to the security of Hong Kong and the State should someone controlled by foreign forces assume office as the Chief Executive?", all of the students replied, "Certainly.".

President, Hong Kong's constitutional reform and the method for selecting the Chief Executive definitely concern national sovereignty and security. This is a fact, and it is readily understood by the students. However, the pan-democrat Members insist that the implementation of universal suffrage in Hong Kong has nothing to do with national sovereignty, and there is no need to take national security into consideration. Instead, they call for an election with complete autonomy and absolutely no constraint. If they are not really ignorant, they must be pretending to not know. I think they are purposely misleading members of the public and showing disrespect to "one country, two systems".

The arrangement of "one country, two systems" is unique in the world. Under "one country, two systems", Hong Kong enjoys special privileges under the Basic Law, such as financial autonomy without giving anything to the Central Authorities. The Chief Executive of Hong Kong can be returned by election for appointment by the Central Authorities. As rights go hand in hand with responsibilities, Hong Kong has the fundamental constitutional responsibility to protect national security. Respect to "one country, two systems" also means respect to the State's sovereignty over Hong Kong under "one country". We must understand clearly that Hong Kong is a special administrative region of China rather than an independent political entity. Hong Kong people are considered Chinese people, or else "one country, two systems" cannot move forward. If the pan-democrat Members do not respect "one country, two systems" and insist on self-reliance and self-determination, they are literally pursuing independence of Hong Kong. How can the Central Authorities feel assured about the democratic development in Hong Kong? How can mutual trust be built?

We certainly will continue to strive for room for feasible democratic development. However, we must understand that we are always subject to constraints in getting along with people and dealing with things. Neither will any country or region impose absolutely no constraint on suffrage. We should

strive for the greatest possibility within the limited room in a pragmatic manner. Freedom has never been absolute; neither was Rome built in one day. Why do Members not give Hong Kong a chance by passing the constitutional reform package to enable Hong Kong people to move forward step by step on the path to democracy and make gradual improvements? So long as both parties are sincere, all systems can be changed, and mutual trust can be built. How can Members insist that passing the constitutional reform package today will be tantamount to "pocketing it forever"? Will the pan-democrat Members please refrain from using these specious slogans to deceive the public. There are no international standards for universal suffrage. Can they call any universal suffrage bogus because it is not implemented according to their proposals? How can the mandate of 5 million electors be described as a "bogus popular mandate"? It was indeed most ridiculous that Ms Cyd HO alleged yesterday that all government officials and surveying organizations were lying and she did not believe that the majority of Hong Kong people supported the constitutional reform package. The use of such reasons that confuse right and wrong to oppose universal suffrage is actually bogus democracy.

President, over the past 20 months, Hong Kong has paid a heavy price for the disputes over the constitutional reform. Today, Hong Kong is in great chaos, with some people opposing the constitutional reform package by hook or by crook. The 79-day unlawful Occupy Central has undermined the relationship between Hong Kong and the Central Government. What is more, there is no room for Hong Kong to explore the way forward for democracy in a rational manner. Some people have even packaged "independence of Hong Kong" as "localism". Their acts, which are becoming increasingly barbaric and violent, will have the most adverse effect on the young generation.

During this period, the methods used by the opponents in the pan-democratic camp, be they unlawful Occupy Central, filibusters, non-cooperation movements, hurling objects or shouting in the Legislative Council, have proved that the opponents are unable to promote quality democratic development. On the contrary, they are destructive without doing any constructive things. Not only do they rationalize unlawful acts, but they also undermine the rule of law in Hong Kong, incite and tolerate the violent and unlawful behaviour of some radicals in expressing their views to poison our next generation, thereby destroying Hong Kong which has been built with the efforts made by several generations of Hong Kong people. During this period, we have witnessed the degeneration of Hong Kong. Some radicals have turned Hong

Kong from an international metropolis which is inclusive, open, civilized and hospitable into a place which is violent, barbaric and isolated. The opponents in the pan-democratic camp can hardly shirk their responsibility.

President, most Hong Kong people are eager to see the passage of the constitutional reform package. Instead of seeing the continual internal attrition in Hong Kong over political disputes, they earnestly hope that people's livelihood can be improved properly and the economy developed. We only hope to be able to live in peace and work with contentment in Hong Kong. I hope the pan-democrat Members can refrain from letting down the public at large and turn back. I hope they can stop acting in an impulsive manner, opposing for the sake of opposition, disrupting Hong Kong and depriving Hong Kong people of their right to elect the Chief Executive by "one person, one vote". If the constitutional reform package is vetoed today, what can they do next? Will there be another Occupy movement? Or will they make more bombs or weapon to launch a revolution of bloodshed? Will it be acceptable to the public at large in Hong Kong? Will there be a future for Hong Kong if the situation remains unchanged? Can the next generation rely on slogans of democracy and perpetrating revolutions to make ends meet?

We have to be accountable to all Hong Kong people as well as all people in China for the decision we are going to make and the vote we are going to cast today. History will bear testimony to the decision made by us for Hong Kong today. The passage of Hong Kong's constitutional reform package will not only see one more step forward made for Hong Kong's democratic development, but also an important step for democratic development in China. Will Members please think twice.

Fellow citizens, Hong Kong has been hurt. Regardless of whether or not the constitutional reform package is passed today, Hong Kong is going to face a lot of challenges in the future. Nevertheless, I believe it can be brought back to the right track if Members can put aside their confrontational mindset, return to the path of making concrete efforts for the people, seek common grounds while preserving differences, and respect one another. However, Hong Kong will be disrupted if the opponents in the pan-democratic camp continue to act stubbornly and cast "nay" votes today. Will fellow citizens please remember Hong Kong will not have a chance for rebirth unless you use the votes in your hands to kick them out of the Legislative Council.

President, I will vote in support of the motion on constitutional reform today with my heart which is full of love for Hong Kong. I will not let Hong Kong people and history down.

President, I so submit.

**MR CHAN KIN-POR** (in Cantonese): President, despite the very slim chance for the motion on constitutional reform to pass, I am sure that the passage of the package today is in the best interest of Hong Kong. Apart from making it clear why I support it, I would use this opportunity to make a last-ditch attempt to persuade pan-democrat Members, who have merely been standing firm and bundled up with each other over the past few months with no intent of making any change.

The current package may not be ideal, but there is a reason, that is, there is not much mutual trust between the Central Authorities and Hong Kong for the time being, and the Central Authorities have to play safe and grope its way across the river when it comes to major decisions that matter to Hong Kong and the Central Authorities. Frankly speaking, many of the Hong Kong people have yet to accept the reality of Hong Kong's reunification, thinking that Hong Kong may do anything it likes and take a hard line; yet, Hong Kong is a special administrative region of China after all. If the Central Authorities do not fully trust Hong Kong, how can Hong Kong enjoy full freedom?

Therefore, amid the tense relationship between the Mainland and Hong Kong nowadays and given the importance of Hong Kong's Chief Executive election, how is it possible to make a giant step in this exercise to come up with an ideal package desired by the pan-democrats in one go? Moreover, looking around the world, problems like economic recession, disparity between the rich and the poor, high unemployment rates among the youths as well as bureaucracy and corruption may still exist in places where universal suffrage is practised. They may have even more problems than Hong Kong, where universal suffrage has yet to be implemented. Universal suffrage is not a panacea for imminent problems, so carrying out the constitutional reform in phases, coupled with subsequent refinements, is indeed one of the ways leading to universal suffrage.

As a matter of fact, the Central Authorities have stood firm, but they have time and again expressed goodwill in identifying a solution to the problem. For example, to prove that the accusation of "pocketing it forever" is wrong, WANG Guangya, Director of the Hong Kong and Macao Affairs Office, has recently made it clear that the idea of "pocketing it forever" is both distortional and misleading, and stressed that the Central Government has never said so; and he has also pointed out that revision may be made to Hong Kong's Chief Executive election in the light of Hong Kong's actual situation.

Director WANG Guangya has expressed goodwill through his remarks with a view to removing the pan-democrats' biggest psychological hurdle all along. It should be the best chance for pan-democrats to back down in good grace, because early opinion polls unequivocally showed that the popularity of the package among the public might rise to 60% or so if the Central Authorities should made it clear that revision would be possible. But regrettably, the pan-democrats have not only failed to grasp the opportunity for refinement but also proceeded to make vehement accusations. This proves once again their attempt to wipe out any measure of vitality for the constitutional reform and seek excuses for them to put up continued confrontation.

There is a suggestion that given the unfavourable political atmosphere of Hong Kong that is inappropriate for the promotion of constitutional reform, efforts should instead be made to strengthen communication with the Central Authorities, and the discussion on constitutional reform will then become much smoother after mutual trust has been established. Such a view is both specious and deceiving. In fact, passing the constitutional reform package is the best way to build up mutual trust, and further discussions on refinement will then be more effectively carried out. If the package in question is vetoed, the relationship will then be broken. This will only aggravate the distrust between the Central Authorities and Hong Kong, posing more difficulties to the building up of positive mutual trust.

It is impossible for the pan-democrats and their supporters to not know such reasoning. Regrettably, none of the pan-democrats has the courage and boldness to make correct decisions. Instead, they merely choose the easy path of opposition. Moderate pan-democrat Members have been rather at a loss in the Occupy Central incident, being led by the nose by the radicals. And now, they are even bundled up by the radicals to vote against the constitutional reform

package, a move which will benefit only those radicals. Moderate pan-democrat Members may be free of attack for a moment, but they have taken the way down a dead alley, where the room of survival is diminishing. They will surely regret it in the future.

I surmise that some pan-democrat Members, knowing full well that given the current situation and timing, passing the package is most beneficial to the community, wish to vote for it from the bottom of their heart. Nevertheless, under the radicals' intimidation and the repeated calls for bundling, no one may dare come forth to make their support known eventually. Some groups have openly said that they will chase after and attack those pan-democrat Members who vote for it. Being intimidated, how are the pan-democrat Members going to cast a vote out of conscience? To the pan-democrat Members, voting against it may be the easiest way out, as they will be able to demonstrate how defiant and unyielding they are towards the Central Authorities' Decision as well as fending off the radicals' attacks. They may even think that they will not lose their votes. However, such an easy decision will stifle the democratization of Hong Kong, and the constitutional development will then only be caught in a standstill.

In any given negotiation, no outcome is the worst case where nothing is achieved at the end of the day other than an aggravation of the relationship of the two parties. Hence, if anyone holds that a better constitutional reform package will come out in the future after the current one is vetoed, it would merely be wishful thinking, and Hong Kong will have waited a decade for no good cause. How many decades does Hong Kong have? The pledge of "no change for 50 years" will expire in 2047, which is just three decades away from 2017; and if we wait another decade meaninglessly, only two decades will be left then. Do Hong Kong people have any more bargaining power by that time?

The pan-democrats are mostly to blame for the situation today. They claim that their supporters are resolute in their call for genuine universal suffrage, so they spare no effort in opposing the constitutional reform package without giving any thought to how best to find a way out. In fact, if the pan-democrats are happy to discuss ways to refine the package and lead their supporters in pursuit of a solution, their supporters will find it very easy to understand that taking a step forward is definitely better than waiting a decade meaninglessly. Therefore, that the pan-democrats cannot make a volte-face is a result of their own making. It is them who are reluctant to figure out a solution and determined to sabotage the constitutional reform, whereas the Central Authorities'

goodwill is met with their scolding, thus resulting in the irreversible situation today. If Hong Kong people have to wait a decade meaninglessly, Members who vote against the package will have to bear full responsibility for it.

I so submit.

**MR POON SIU-PING** (in Cantonese): President, regardless of one's stance and understanding in respect of the Government's constitutional reform package, the biggest consensus of the community is that Hong Kong people aspire to a more democratic electoral system. As stipulated in the Basic Law, the constitutional reform package has to obtain the consent of two-thirds of Members of this Council before it can be passed. Therefore, if the majority public supports the constitutional reform package, this Council is duty-bound to support it; otherwise, Members will have to decide on their own if they should do so.

By the end of April, the Federation of Hong Kong and Kowloon Labour Unions to which I belong consulted members' views on the constitutional reform package in the form of a questionnaire. Of the approximately 2 000 questionnaires distributed in total, 1 328 questionnaires were recovered, and among them 1 320 were valid after eight blank ones were deducted. There are 70% of the respondents who held that the constitutional reform package should be passed by this Council, about 10% thought otherwise and 12% had no opinion. This constitutes a key consideration underpinning my support for the constitutional reform package.

President, the Hong Kong community has been severely torn apart. Whether the constitutional reform package is passed or not is no cure to a community already torn apart. The Chief Executive said the other day that if the package were vetoed, the Government would focus its energy on solving livelihood-related issues. However, I am worried that in a community where public opinions are poles apart and confrontational, it is uneasy to focus its energy on solving any problem, not to mention healing the wound of a community torn apart. I wish the Central Authorities, the SAR Government, different political parties and groupings as well as people of various stances could gain some sort of revelation from the current controversies over constitutional reform with a view to having the wound healed and enabling Hong Kong to keep going forward.

President, I so submit.

**MR TONY TSE** (in Cantonese): President, the way forward for Hong Kong's constitutional system and universal suffrage is to a very large extent dependent on whether the constitutional reform package will be passed today. The passage of this package will not only mean fulfilment of the aspiration for selection of the Chief Executive by universal suffrage of "one person, one vote" for eligible Hong Kong people. More importantly, it signifies a step forward for Hong Kong's constitutional reform, as well as a historic new page for Hong Kong's constitutional development. On the contrary, if the package is vetoed, the aspiration of many Hong Kong people for selection of the Chief Executive by universal suffrage in 2017 will fall through and the constitutional reform will remain in a standstill. That is really the last thing many of them would like to see. I wish the opposition Members will attach importance to the overall situation and answer the public aspiration by passing the current constitutional reform package in order to pre-empt a total loss for Hong Kong people.

President, over the years, Hong Kong's constitutional reform has been going forward in a step-by-step manner. Before the 1960s, under the system of colonial totalitarianism, the Governor was appointed by the British Government, and all public servants, judicial officers as well as Members of both the Executive and Legislative Councils were also appointed by the Governor. It was not until 1991 that directly elected seats were introduced into the then Legislative Council. Since the reunification of Hong Kong in 1997, the SAR Government has taken democratic and constitutional development further in accordance with the Basic Law, and the number of directly elected seats in this Council has increased to the current number of 35. It is stipulated in the Decision made by the Standing Committee of the National People's Congress (NPCSC) on 29 December 2007 that "after the Chief Executive is selected by universal suffrage, the election of the Legislative Council of the Hong Kong Special Administrative Region may be implemented by the method of electing all the members by universal suffrage". That means if universal suffrage is implemented in Hong Kong's Chief Executive Election in 2017, the Legislative Council Election in 2020 may be implemented by the method of electing all the Members by universal suffrage. The timetable for universal suffrage is unequivocal.

The method of selecting the SAR's Chief Executive marks a major improvement compared with the selection of Hong Kong's Governor prior to the reunification in terms of democratic development. If the current constitutional

reform package is passed, the Chief Executive will be selected in 2017 by an eligible electorate of 5 million or so people in Hong Kong by universal suffrage of "one person, one vote".

President, the constitutional development of any given country or area is not achieved overnight. It takes a long time to evolve, as in the case of Hong Kong's constitutional development. Article 45 of the Basic Law provides safeguards for Hong Kong in this regard, and it stipulates that "the method for selecting the Chief Executive shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress". Its objective is to assure that the democratic and constitutional development of Hong Kong will move forward steadily, such that Hong Kong's development as a whole will not be undermined whereas Hong Kong people's interests will not be compromised as a result of going too fast or rashly. President, I firmly believe that democratic and constitutional development has to be carried out having regard for the well-being of the general public. A good political system gives the public a life of better quality.

President, the current constitutional reform package marks a key milestone in Hong Kong's constitutional development. Whether passed or not, the package will have far-reaching impacts on Hong Kong's constitutional reform. Therefore, I have joined hands with four institutes of the sector in organizing a forum on the constitutional reform to seek members' views on the current constitutional reform package and relay their views and queries to Chief Secretary for Administration Carrie LAM. Some of the members did not accept the 31 August framework proposed by the NPCSC as well as the constitutional reform package proposed by the Government.

Apart from the forum on constitutional reform, I have also joined hands with the Hong Kong Institute of Architects, Hong Kong Institute of Surveyors, Hong Kong Institute of Planners and Hong Kong Institute of Landscape Architects to carry out an opinion poll on members between mid-May and early June with regard to the current constitutional reform package. The four institutes had distributed 9 755 questionnaires, of which 3 104 were returned, including 54 invalid ones, and that translated into a response rate of 31.8%. There are 1 550 of them who found the constitutional reform package acceptable, 4% or so higher than the 1 421 who thought otherwise. Despite those accepting the package made up the majority, some of the members who opposed the package held that given the narrow margin between the two, I was asked to

abstain on the package when it is put to vote. Nevertheless, a lot of those supporting the package wished that I support the passage of the package out of respect to the poll in accordance with the principle of the majority rules and out of consideration of the overall situation.

As for the consideration underlying my voting preference, I have made it clear through different channels and on various occasions in the past, including the meeting in Shenzhen with the three Central Government officials in charge of constitutional reform on 31 May. That is, as a Member elected to represent the architectural, surveying, planning and landscape professions, the views of the sectors constitute a major point of consideration for me, however, the constitutional reform concerns the well-being of Hong Kong people at large, thus the views of different groups and classes are so important that they also need to be included as part of the overall consideration. In fact, a number of groups and associations have recently announced the results of their polls on the constitutional reform, in which the number of those supporting the package and that against it are comparably large. But overall, those supporting the package outnumber those against it. That is the view of the public on the constitutional reform, and it has to be taken into account.

President, I have asked myself seriously what will ensue irrespective of whether the current constitutional reform package is passed. To those who aspire to ideals, I hold that the current package may fall short of their ideals; if the package is passed, Hong Kong's constitutional development will take a step forward, and the public's aspiration to selection of the Chief Executive by universal suffrage will be fulfilled, whereas those yearning for an ideal package may go on with their pursuit as well. On the contrary, if the constitutional reform package is not passed, the aspiration of many people to selection of the Chief Executive by universal suffrage in 2017 on a "one-person-one-vote" basis will fall through, and the timetable for universal suffrage as set down by the NPCSC under the Basic Law will also be sabotaged, seriously undermining the pace of forward movement of Hong Kong's constitutional development. Hence, vetoing the package is an absolutely unwise decision that does harm to others while not benefiting oneself.

Some people are worried that accepting the current constitutional reform package proposed by the Government is tantamount to accepting an ultimate package. However, looking at the progress of constitutional reform in the past, I

note that every time the SAR Government puts forward a proposal on constitutional reform and it is passed by this Council, constitutional reform will then take a step forward, otherwise it will remain stagnant. Therefore, I trust that if the current package is passed, the Government will put forward another proposal on constitutional reform at an appropriate time in the future in accordance with the Basic Law to refine the current package in a gradual and orderly manner. Hence, the suggestion of an ultimate package is totally ungrounded.

President, the controversy on constitutional reform in recent years has already resulted in grave internal friction in the Hong Kong community and torn it apart, troubling many members of the public. Some Members have even made use of it to filibuster in this Council, causing enormous obstruction to the normal operation of this Council, such that a large number of issues and funding applications in relation to people's livelihood are piled up, and there is no way to carry out discussions and secure funding approval in a timely manner. Therefore, what many members of the public do not wish to see or agree with is somebody standing in the way of Hong Kong's constitutional development, and also Hong Kong economy as a whole being affected by the constitutional reform to the effect that the economy worsens and social harmony is spoiled. It is because there are many different issues for Hong Kong people to face apart from the constitutional reform. Hence, my heartfelt wish is that after the constitutional reform package is put to vote, the Government, the public and this Council will jump out of the controversy and predicament in relation to the constitutional reform in the past and turn our attention to doing a good job with people's livelihood and economic development with concerted efforts, with a view to improving Hong Kong people's lot.

With these remarks, President, I support the motion on the method of selecting the Chief Executive in 2017 by universal suffrage as tabled by the SAR Government.

**IR DR LO WAI-KWOK** (in Cantonese): President, the discussion on the amendment to the method for the selection of the Chief Executive mainly concerns a key issue: In the face of the prevailing disputes on constitutional reform, how can various sectors of society seek common grounds on major issues while preserving differences on minor ones?

A recent judgment by a Judge is quite enlightening. The former standing committee member of the Hong Kong Federation of Students (HKFS), Yvonne LEUNG, had applied for a judicial review, for she considered the Standing Committee of the National People's Congress (NPCSC) had violated the second step in the 2004 interpretation of the Basic Law by the National People's Congress (NPC) concerning the "Five-step Process". She claimed that the 31 August Decision was not legally binding in Hong Kong and requested that the public consultation conducted by the SAR Government be declared invalid. However, Justice Thomas AU of the High Court handed down a judgment to reject her plea for judicial review.

I think the content of the judgment merits more thinking than the result of the judgment. It is pointed out in the verdict that the Hong Kong Court does not have jurisdiction to challenge the 2004 interpretation of the Basic Law and the 31 August Decision made by the NPC. According to the "Five-step Process", the constitutional reform package passed by the Legislative Council can come into effect only with the final approval of the NPCSC. Whether or not Yvonne LEUNG's claim that the 31 August Decision is not legally binding in Hong Kong is valid, the NPC has stated unequivocally in the 31 August Decision the constitutional reform framework it considered acceptable, thus proposals outside this framework are not pragmatic and feasible, and the SAR Government has no obligation to conduct consultation on unfeasible proposals.

A rational and prudent attitude is displayed in the verdict of the Judge. On the one hand, it truly reflects the constitutional position and political reality of Hong Kong under "one country, two systems". On the other hand, it recognizes the NPC's authority in interpreting the Basic Law of Hong Kong and that the 31 August Decision is legally binding. On this premise, it has undoubtedly confirmed that the consultation and proposal on constitutional reform of the SAR Government are constitutional and legal.

It is evident that the passage of the Government's constitutional reform package by the Legislative Council is the most pragmatic and feasible option at present. According to the results of the Deliberative Polling of the Public Opinion Programme of the University of Hong Kong announced on 14 June, in "personal opinion", 49% of the respondents expressed that the passage of the constitutional reform package should be supported, and 39% considered it should be opposed. However, when taking the overall society into consideration, the percentage of respondents supportive of passing the package increased to 50%, and those opposed to passing the package decreased by 6% to 33%. There was a

difference of 17% between respondents supporting and opposing the package. The result of the survey reveals the rational and pragmatic attitude of Hong Kong people. Once the interest of the overall society is involved, they are willing to put aside their personal opinion and make a choice befitting the needs in reality. This is the highest common factor we may pursue, that is, to strive for a foundation conducive to taking forward the selection of the Chief Executive by universal suffrage.

President, we should not isolate ourselves from the historical development and actual situation of Hong Kong by trying to achieve in one go the "perfect democracy proposal" in certain people's mind. We should not overlook other significant policy objectives, such as maintaining the prosperity and stability of Hong Kong long term, maintaining a good relationship between the Central Authorities and the SAR to achieve effective governance in the SAR, and so on, for all these factors are concerned about the prospect of Hong Kong and the interests of the public. The former Head of the Central Policy Unit of the SAR Government, Prof LAU Siu-kai, has studied the development of politics and society in Hong Kong for many years. His book "Hong Kong's Unique Path to Democracy" (《香港的獨特民主路》) offers very good reference. He considers that we must identify a democratic reform proposal matching the specific and actual situation in Hong Kong. I quote to the effect that, "The democratic development experience of other societies cannot be imposed on Hong Kong indiscriminately, and the direction of democratic development beneficial to the country and Hong Kong should be identified through the joint effort of the Central Authorities and Hong Kong people on the premise of 'one country, two systems'. Honestly, this long process of exploration will be very painful, and the final result may not necessarily be desirable to everyone. Yet one can be certain that this approach will have positive impacts on narrowing differences and minimizing conflicts, as well as maintaining lasting stability and the long-term development of Hong Kong", and he added to the effect that, "For people striving for democratic politics, they must maintain a spirit filled with rationality, patience, hope, perseverance and inclusiveness". (End of quote) In my view, the establishment of a democratic system and the nurturing of a rational and inclusive culture should be accorded the same importance.

President, as regards the 31 August Decision, it is true that there are many different views in Hong Kong society. One type of opinions aspires to the expeditious forging of a consensus in Hong Kong society, so that the selection of the Chief Executive by universal suffrage according to law can be implemented

as soon as possible and Hong Kong needs not mark time. Another type of opinion either considers the 31 August Decision unacceptable, or demands that the acceptance of the "civic nomination" proposal, which contravenes the Basic Law, be made the prerequisite, and some even request that the process be started anew. Some people with this type of views launched the unlawful Occupy action last year, which had lasted 79 days before it came to an end. Such actions are not conducive to the promotion of constitutional development. Worse still, it erodes the mutual respect and trust that should be found among people holding different views. People occupying the streets had openly challenged the rule of law, seriously affecting social order. The pan-democratic camp encouraging people to stage civil disobedience had simply beautified and sugar-coated their unlawful actions with justice. They had pushed the people's movement towards violence and even expedited the emergence of elements pursuing independence of Hong Kong, who are suspected of making explosives. It is heartrending. At the same time, some Members from the opposition camp launched a full-scale non-cooperation movement and endless filibusters in the Legislative Council, causing a huge backlog of agenda items concerning public works, economic issues and people's livelihood. They are pulling the leg of Hong Kong.

President, a lot of friends from various sectors which I have contacted on different occasions have expressed that they hope Members of the Legislative Council will respect the rule of law and public opinions and act pragmatically by supporting the passage of the constitutional reform package, so that the dream of universal suffrage of Hong Kong people can come true and over 5 million eligible electors may select the Chief Executive by universal suffrage of "one person, one vote" in 2017. This is an unprecedented historical opportunity for Hong Kong, and if we can take a pragmatic step forward, the path of universal suffrage will become wider and Hong Kong will have a promising future.

With these remarks, President, I support the motion.

**MR CHRISTOPHER CHEUNG** (in Cantonese): President, today, I rise to speak in support of the passage of the constitutional reform package. I cherish the vote I can cast to show my support for democracy and the implementation of universal suffrage in Hong Kong. I very much hope that two years later, that is in 2017, all citizens in Hong Kong may cast their votes, as I do today, to select the Chief Executive of their choice.

I support the passage of the constitutional reform package for the package before us now is sensible, reasonable and legal. The package drawn up within the framework of the 31 August Decision made by the National People's Congress (NPC) is compliant with the Basic Law and it has given full regard to the public's aspiration for universal suffrage. The package has incorporated the reasonable suggestions made by various sectors of society by: setting the nomination threshold at a low level of 120 recommendations, adopting secret ballot for electing candidates for nomination and enabling 5 million eligible electors to select the Chief Executive by "one person, one vote". All these arrangements represent significant progress in democratic development. I trust the majority of the public will not deny that this is the most democratic constitutional reform package in the history of Hong Kong.

President, democratic development in Hong Kong cannot be taken forward without any solid basis, as we must be pragmatic. The land under our feet is the Hong Kong Special Administrative Region of China. If the discussion on democracy is conducted in isolation from the Basic Law and China, it will be meaningless. If Hong Kong is to develop democracy, it must be pursued in a gradual and orderly manner. As the late founding member of the Democratic Party, Mr SZETO Wah, said, rice should be taken one mouthful at a time. Therefore, the demand of Members from the pan-democratic camp for accomplishing development in constitutional reform in one go is unrealistic. President, I actually see the determination and sincerity of the Central Authorities and the Hong Kong Government in implementing universal suffrage in Hong Kong. Officials from the Central Authorities have taken the initiative to invite Members from the pan-democratic camp for dialogue on the constitutional reform a number of times. Over the past 20 months, the constitutional reform trio headed by the Chief Secretary for Administration have attended more than 300 events in succession and processed over 200 000 petitions before proposing the present constitutional reform package. There is only one purpose, that is, the hope that Hong Kong people can select the Chief Executive by "one person, one vote".

As for the Members from the pan-democratic camp who claim to be fighters for democracy, they have not put forth any constructive suggestions on the constitutional reform package. On the contrary, they have deliberately distorted the intent of the Central Authorities and the Hong Kong Government and fabricated lies about "bogus universal suffrage" and "pocketing it forever" to

try to deceive the public into giving up the votes close at hand. They have been opposing for the sake of opposition. They say this approach is unacceptable and that approach is unacceptable, yet they fail to present convincing justifications. Is this the right attitude to adopt in striving for democracy? Some time ago, Mr LEUNG Kwok-hung even fabricated a lie about an agent having made an offer of \$100 million to solicit his vote. Why would he make such an irresponsible claim? I think there are two reasons. First, to besmirch the Central Authorities and sabotage the constitutional reform. Second, he craves for money.

In the past two days, Members from the pan-democratic camp attacked the pro-establishment camp in their speeches that the latter had never striven for democracy. I would like to tell them here that democracy and universal suffrage can be attained not by mere slogan chanting, but by pragmatic actions. After the constitutional reform package is vetoed, what will be our society, economy and people's livelihood? When will the constitutional reform exercise be restarted? When will there be universal suffrage? How will Members of the pan-democratic camp explain the case to the people of Hong Kong? Hence, I urge them not to stake the interests of Hong Kong on this.

On the eve of the voting on the constitutional reform package, the Police cracked a bomb workshop run by radicals seeking independence of Hong Kong, revealing their plot to produce powerful bombs to try to launch attacks and obstruct the constitutional reform. I strongly condemn these illegal acts of violence. At the same time, I hope Members from the pan-democratic camp can realize clearly how severe the political situation is currently. Even if the constitutional reform package is vetoed, they should not stir up hostility and cause Hong Kong society to fall into a dangerous scenario.

President, Hong Kong has wasted a dozen of years on the various disputes arising from constitutional reform. The consequences of prolonged entanglement in political disputes have started to surface. In recent years, Hong Kong's ranking in many international ranking lists, including economic, education and science and technology, and so on, has been dropping year on year. Hong Kong is losing its strengths bit by bit, like sand sifted by tides. It is heartrending. It is evident that once the constitutional reform package is vetoed, political disputes will continue, and no one will win in that event. We will end up losing Hong Kong altogether.

President, it is our common aspiration to have a stable society and a prosperous economy, where people can live in peace and work with contentment. The financial sector I belong to which, as well as a majority of Hong Kong people, will support the constitutional reform unswervingly. I see that it is not only the desire of Hong Kong people but also Hong Kong people scattered around the world to support the constitutional reform. The day before yesterday, the business association of Hong Kong in the Philippines placed a statement in the newspapers to declare their support for the passage of the constitutional reform package. Members of that association have left Hong Kong to resettle in the Philippines. However, they are still concerned about Hong Kong and hope for the passage of the constitutional reform package and the implementation of universal suffrage. What are the reasons for some Members of the Legislative Council living in Hong Kong to veto the package and kill the progress in democracy lightly?

Democracy is a long road and the key lies in just a few steps. The constitutional development of Hong Kong has come to a critical moment. If we take a step forward, we will open the door to a bright future, and if we retreat on this step, we will be at the end of our rope. I hope Members from the pan-democratic camp will give priority to the mainstream public opinion and the overall situation of Hong Kong, so that it will make a decision genuinely conducive to the development of a democratic constitutional system and in the overall long-term interest of Hong Kong. Particularly for independent Members from the pan-democratic camp, I hope their rationality and wisdom will not be bundled, and that they will have the courage to make a decision true to their conscience, so that the democratic development in Hong Kong can proceed continuously and an important milestone can be laid down.

President, as Mr LU Xun once said, at first, there was no road in the world, but when more and more people walked the same way, there was a road. XI Jinping, the General Secretary of the Communist Party of China, has once quoted a verse from a poem written by WANG Guozhen which means that there is no mountain higher than man, and no road longer than feet. To Hong Kong, universal suffrage is the mountain and a road on which no one has ever walked. I trust that if all Hong Kong people can take a step forward with solidarity, there will be the second and the third steps, and ultimately a broad road to democracy will come into sight.

I so submit.

**PRESIDENT** (in Cantonese): Does any other Member wish to speak?

**MR CHAN CHI-CHUEN** (in Cantonese): President, "I want genuine universal suffrage" is the wish of many Hong Kong people as well as mine. It is also our Christmas wish last year, as well as our New Year and birthday wish this year.

Nevertheless, our hope will be dashed today, for I will vote against this package with my own hands. It is not that the pro-democracy Members do not wish to see the implementation of genuine universal suffrage in Hong Kong, but neither Beijing nor the Special Administrative Region (SAR) Government has come up with a package of genuine universal suffrage as an option for Hong Kong people. Even if we criticize Beijing and even the LEUNG Chun-ying Administration for calling a stag a horse, no one dares say that the package now tabled for discussion is a package of genuine universal suffrage, though LEUNG Chun-ying once said that the universal suffrage implemented by all places or countries according to their own laws must be genuine. Like Dr Priscilla LEUNG, the majority of people say that there is no such thing as genuine or bogus universal suffrage. In other words, there is no standard for universal suffrage.

President, just as the Cantonese saying that "the one who has a beard must be my father", there is a saying in North China that "whoever breastfeeds me is my mother", which carries the same meaning. The logic of the remarks made by Chief Secretary Carrie LAM yesterday was the same, too. What she meant was "having a ballot is tantamount to having universal suffrage", which was the same as "the one who has a beard must be my father" or "whoever breastfeeds me is my mother". Can "one person, one vote" be equated to universal suffrage? Mrs LAM often says that she hopes to deliver the ballots to the hands of the 5 million eligible electors in Hong Kong. This remark of hers is already a lie. How come Hong Kong has 5 million electors? Secretary Raymond TAM, there were only 3.5 million electors on the electoral register in 2014. Hence, the Government should actually say that there are 5 million people in Hong Kong who are eligible for registration as electors. Have all these people registered as electors? Did the number of electors surge from 3.5 million to 5 million overnight? Or is it the intention of the SAR Government to replace the voter registration system with a new system whereby all members of the public

reaching the age of 18 can automatically become electors? We can tell from this figure that the Government is using the practice of "inflating figures" to stifle the 5 million eligible electors.

Just now, some Members queried if there was any standard for genuine universal suffrage and said that it was difficult to define genuine universal suffrage. However, that it is difficult does not mean that genuine universal suffrage is out of the question. Mr WONG Kwok-hing said that the democratic camp lacked a theoretical basis for its fight for universal suffrage, whereas Mrs Regina IP added that there was no definition for genuine universal suffrage. Let me say a few words about theoretical bases. In fact, a theoretical basis was put forward by Dr Fernando CHEUNG and Mr LEUNG Kwok-hung yesterday. I have also printed the relevant article. It was pointed out in a commentary in *Sin Xua Rnbao*, a mouthpiece of the Communist Party of China (CPC), on 2 February 1944 that "For a true system of election by universal suffrage, not only should the right to elect be 'universal' and 'equal', the right to be elected should be 'universal' and 'equal'". It was further pointed out in the last paragraph that "if a pre-determined qualification is prescribed for candidates ... then electors will only become tools for casting votes, even if the right to elect is not restricted". This can also be one of the yardsticks for measuring genuine universal suffrage. Moreover, the CPC already admitted in 1944 that "a true system of election" could be genuine or bogus. Nonetheless, the writer of this commentary has already passed away. The words of the deceased cannot be trusted. Therefore, should the government officials who speak today pass away tomorrow, their words cannot be trusted, either.

Today, the democratic camp will vote against this proposal for bogus universal suffrage, for it is actually a scam. Today, we are going to expose once again this fraud before the eyes of Hong Kong people and the whole world. The "constitutional reform trio", comprising two Secretaries of Departments and one Bureau Director, is also called the "deceptive trio". Do they know why they were confronted by members of the public whenever they visited the districts? It was because they participated in street scams when they visited the districts. No one would act evasively when they saw the medicine or blessing gang put up fraud in broad daylight. Furthermore, they would definitely act courageously and expose the fraud without hesitation.

Today, I will expose their lies one after another, though I am afraid time is running out. One of the lies I wish to expose is related to the article entitled "Hope for pan-democrat Members to change their minds to pass the universal suffrage proposal" and released by Carrie LAM on 15 June (Monday) in various major newspapers. Do Members think that the purpose of this article is to persuade the democratic camp? Actually, she merely sought to tell lies one after another to cheat Hong Kong people. Among others, she pointed out in the article that the proposal had three democratic and liberal elements. The first lie she told was that the low threshold for "members recommendation" would facilitate more competition. Compared to the existing Election Committee (EC) system with a nomination threshold of 150, this constitutional reform package with a threshold of 120 is indeed apparently lower. Furthermore, the upper ceiling is said to be 240. This was why Carrie LAM said that the constitutional reform package would facilitate more competition because a maximum of 10 candidates could lead to enhanced competition. In fact, this is a lie. The threshold of 120 is merely a "members recommendation" requirement. In addition, there is a very high threshold of securing "committee nomination" from 601 members. Actually, there is no need to bother about whether the number of nominators is 120 or 10 — I often say that it is useless even if all people can make "members recommendation" or I can nominate myself — it is because getting "committee nomination" is out of the question even though "members recommendation" can be secured. This is screening. Her remark that a lower "members recommendation" threshold would facilitate more competition was "hypocritical rhetoric".

Despite the obvious screening, she has refused to admit it and, what is more, kept talking nonsense. Some people even describe the screening as selection. The Nominating Committee (NC) will now select candidates for us because it is a waste of our energy if there are too many choices. Some people have eventually admitted that there is screening. Why is screening required? We have finally come to realize that screening can not only prevent people who oppose China and the CPC and disrupt Hong Kong and are not patriotic enough to be selected, but also deprive them of the opportunity of securing "committee nomination", standing in the election and forming a party because national security is at stake.

I did not speak earlier because I wished to listen to more fallacious remarks made by the pro-establishment Members, and I finally heard the speech delivered by Dr Elizabeth QUAT this morning. She admitted frankly how she deceived

the children by using Diaoyu Island to draw an analogy to elevate the fight for universal suffrage to the level of national sovereignty. These were the questions she asked: Can we give up Diaoyu Island? Can China give up its sovereignty over Hong Kong? What Dr Elizabeth QUAT meant was, without screening, the CPC would be deemed to be giving up its sovereignty over Hong Kong. What logic was it? She was actually spreading fallacies to deceive people.

I will now say a few words about the other two elements mentioned by Chief Secretary Carrie LAM besides democracy and openness. Within the framework conceived by her of securing "committee nomination" with the support of 601 members, the NC may cast "N" ballots or secret ballots. And then, she added that this framework could be relaxed. She can really be described as "the angel as well as the demon". After raising the level of difficulty, she sang praises of herself and said that the framework could be relaxed.

When we visited the districts to explain to the public why they should not support the bogus universal suffrage because they would not really have choices, many people understood it and cited a lot of live examples. I wish to share with Members a very good example cited by a mother. She explained to her son why the package of bogus universal suffrage does not offer us genuine choices.

She told her son, "I will take you to a summer programme so that you can choose for yourself the course you like. You may make a decision on your own." When she and her son arrived at the place for enrolment, she told her son to choose from three classes, namely the piano, ballet and Go Chess classes, saying he could make his own decision. However, her son said to her, "Mom, you said you would let me choose. I originally intended to choose either ping-pong or swimming, but such classes are not available here." The mother then explained, "According to the package before us, you may only choose from the piano, ballet or Go Chess classes." Her son said, "No, you are deceiving me for I am not given any choice. If you said that you would select the class for me and did not let me choose, I might still find it acceptable. But now you are deceiving me by saying that I can make a choice but actually my preferred ping-pong, swimming or soccer class is unavailable. How can you say that I have a real choice!"

Even children can see that the "constitutional reform trio" are lying through their teeth. Hence, there are strong voices demanding that the "deceptive trio" be held accountable and resign if the constitutional reform package is not passed.

Chief Secretary Carrie LAM has once said that the most important mission during her term is to take forward the constitutional reform, which is also top on her agenda. So, should she step down if she fails to accomplish her mission?

Some people hold the view that besides the "deceptive trio", LEUNG Chun-ying, the liar, should also take the blame and resign for his failure to truthfully reflect to the Central Authorities Hong Kong people's views on and aspirations for the constitutional reform. There were times when a general at the front line had to be beheaded for providing false military intelligence. Chief Secretary Carrie LAM was very concerned about being accused of providing false military intelligence in an attempt to conceal the situation in Hong Kong or her failure to reflect the situation to the Central Authorities. This is why in her article published on Sunday she dwelt at great lengths explaining that she had not provided false military intelligence in the hope of preventing the public from criticizing her. Let me quote one of the paragraphs in her article, to this effect, "Again, I have to solemnly state the facts of the matter. The reports submitted by the Chief Executive and the task force to the NPCSC in July 2014 reflected truthfully the views received during the consultation. All written submissions received were incorporated in their original forms into the appendices to the report of the task force."

Did she regard her job only as a messenger even though she earned more than \$300,000 a month? She said that hundreds of thousands of submissions received were incorporated into the appendices to the report for public information, meaning that she had nothing to do with the submissions since they had already been disclosed for public information. Did she not need to make any analysis and recommendation? Was she purely a messenger? What did "Let's talk" mean? This slogan is also a scam. She has actually set the definitive tone on the constitutional reform. Has she ever discussed with Hong Kong people? She has merely incorporated all the submissions into the appendices and told us to read them ourselves.

Besides, the trio would do nothing but fabricate figures. The Chief Secretary further stated, to this effect, "In addition, before the NPCSC 31 August Decision, the SAR Government arranged for four meetings between all Legislative Council Members, including the pan-democrat Members, and the Central Authorities officials responsible for Hong Kong's constitutional

development. They included breakfast meetings hosted by me in March, the Shanghai visit in April, the meetings with the Director of the LOCPG at the Central Government Offices in July and the Shenzhen seminar in August last year, to let lawmakers express their views direct. It is thus totally groundless to accuse the SAR Government of deceiving the Central Authorities."

We did not accept her invitation to meet with the Central Authorities officials because we did not wish to give her an excuse to say, "I had arranged for Members to meet with Central Authorities officials, and they had already met. It had nothing to do with me even if the discussions were not fruitful because the matter should be settled among themselves. I had not conveyed any wrong message — I should not be regarded as having conveyed a wrong message unless I prevent Members from meeting with Central Authorities officials and keep the latter in the dark. I had arranged for Members of this Council to meet with Central Authorities officials on four occasions. Members could say anything they liked and the Central Authorities officials could listen to anything they liked. It was not my business even if they did not wish to listen." The Chief Secretary was doing such an easy job. Like a messenger or an assistant, she was only responsible for arranging for meetings for the parties concerned. Even the Legislative Council Secretariat can handle this.

Lastly, I would like to say a few words about the waging of a public opinion war. The Government initially thought that public opinion would "overwhelmingly" support this package of bogus universal suffrage. The Government told us — especially because we from the opposition camp spoke louder than other Members — that we should not merely try to speak louder in discussing universal suffrage. However, when the Government saw a turn for the worse in public opinion following the appearance of the so-called "golden cross", or "devil cross", it hastened to add that Members should not merely look at which side had more support or was stronger. Actually, I understand that the opinion polls are meant for reference only after all.

The question raised by Mr Ronny TONG was really absurd. He asked, "Why did Members opposing the Government's package feel pleased when there was an increase in the number of people opposing the package?" Of course, we were pleased because more and more people had come to realize that it was a street scam that sought to cheat the public. My stance is: Since it is a street

scam, even if the Government is so fortunate as to succeed in cheating 70% of the public — not to mention that less than 60% of the public have been successfully cheated — I will still vote against this package.

We are Legislative Council Members, not members of an "opinion poll party". Like the Hang Seng Index, public opinion will rise and fall. At this critical moment when the final vote is to be cast, we will not decide our voting preference according to the latest outcomes of opinion polls. If public opinion is really so important, a referendum should be conducted instead. Should Members really wish to "repay debts of votes with votes", we should call for the dissolution of the Legislative Council.

I so submit.

**DR PRISCILLA LEUNG** (in Cantonese): President, I have no hesitation in giving full support to the constitutional reform. The constitutional reform is never a dispute to be ruled by emotion. It may bring a moment of pleasure by voting against the proposal, yet it takes moral courage to vote for the proposal. I always think that it is silly for the pan-democratic camp to vote against the constitutional reform proposals. I am afraid that the pan-democratic camp will be the greatest loser if the constitutional reform package is vetoed. The pan-democratic camp should not repeat the mistake.

The discussion on a system of universal suffrage should not be directed towards its authenticity but whether the system is compliant with the constitutional law of the place. We should not use vague slogans like authenticity and international standard. In fact, the constitutional reform this time around is ruined by these vague slogans. Insofar as the constitutional reform is concerned, I think we should examine whether the system is good or bad, whether it is suitable for us and whether it is compatible with the situation of our country and public sentiments. Even if the American system, which some considered perfect, is adopted in Hong Kong wholesale, it may eventually ruin Hong Kong due to incompatibility. The pan-democratic camp have been making arbitrary demands. In the end, they are only presenting their own views, for they have completely ignored the common sense of knowing the enemy and oneself. I think the moderate elements in the pan-democratic camp have fallen into the trap of the radicals.

I have listened attentively to the speeches of Honourable colleagues for a long time. I noted that colleagues from the pan-democratic camp are now shifting all the blame for the non-passage of the constitutional reform package to others. Members should come to think about this. I all along agree that over the years, the pan-democratic camp is the one which most eagerly hopes for progress in the constitutional reform. The pan-democratic camp's choice of giving up this opportunity this time around indicates their failure, and there are problems with the negotiation as a whole. In my view, since the death of Mr SZETO Wah, no one in the pan-democratic camp is competent to adopt a reasonable approach to take them reasonably forward in striving for their goal. What I have heard today, be it the tactics, the strategies, the content and the direction, are still wrong.

In respect of tactics, before the discussion was started, they launched the Occupy Central, lowering the trust between the Central Authorities and the region to the lowest point. Their actions prompted Beijing to promulgate the White Paper on The Practice of the "One Country, Two Systems" Policy in the Hong Kong Special Administrative Region and the 31 August Decision of the Standing Committee of the National People's Congress (NPCSC). They consider all of these conservative, yet the Central Authorities consider them a safe and secure approach. In respect of content, their proposal for civic nomination contravenes the Basic Law, but they continue to stake on this and even put forth the "three channels nomination" proposal. It is regrettable that they have failed to withdraw from this. Besides, they lack the courage to come forward to undertake that they would not discuss Occupy Central in future but would discuss how to reform the Nominating Committee together. In respect of direction, today, Mr Albert HO still said in a radio programme that vetoing the constitutional reform package would mean vetoing the 31 August Decision. But this is only some sort of unrealistic talk of his. How would the veto of the constitutional reform package by the Legislative Council be regarded as the veto of a decision made by the NPCSC? They continue to use this kind of talk to mislead their people, yet our people are not that stupid. They have forced our people to come forward. The silent majority has to come forward to urge them to stop ruining Hong Kong. Does the opposition camp really want to "oppose everything forever"?

In fact, the point they dislike most about this package is that they cannot appoint their representative to stand in the Chief Executive election. They keep repeating that they will not accept unreasonable restriction, yet they fail to put forth a better proposal to convince the Central Authorities, Hong Kong and two

thirds of all Members of the Legislative Council. They know only empty talk. They even excluded some of the people on their front. WONG Sing-chi is a case in point. He was kicked out of the party because he had put forth some different views. After listening to the speeches of Mr Kenneth LEUNG, Mr Ronny TONG and Prof Joseph LEE, I feel all the more that the moderates in the pan-democratic camp are under tremendous pressure. Mr Kenneth LEUNG said particularly that if the proposal was not put forth under the name of universal suffrage, its passage might be considered. In a nutshell, the main reason for the pan-democratic camp disagreeing with the package is that members from the pan-democratic camp cannot obtain the "committee nomination".

Ms Emily LAU said it is unacceptable to become only the kingmaker. But they should ponder over the issue carefully. If the constitutional reform can take us one step forward, enabling supporters of the pan-democratic camp, which is 40% to 50% of the electors, to become the kingmaker, this option is not bad. No one can say that a system will be "pocketed forever", so the remarks by both of LI Fei and WANG Guangya are not contradictory. If this constitutional reform package is vetoed, we will be using the existing arrangement continuously, will we not? This may then be "pocketed forever", and I think it refers to the existing arrangement. May I ask them one more time whether they really mean to "oppose everything forever"?

Honourable Members, a breakthrough in the constitutional reform does not come by easily. We know that there is a population of 1.3 billion in China at present. Our peace and "one country, two systems" does not come by easily, I thus hope that the pan-democratic camp will not veto this proposal which does not come by easily merely because they cannot get the "committee nomination". I think supporters of the pan-democratic camp really need to consider whether they have trusted the wrong persons, for these people who are representing them are poor in judgment and do not know they should adjust their strategy in the light of the overall situation.

I personally agree with and support the NC system. Since the enactment of the Basic Law, I consider that the NC is a safety valve in compliance with the Basic Law, which can ensure that Chief Executive candidates will not lead Hong Kong society to populism in politics and economic development. In general, universal suffrage may not necessarily make a society or a country better. In the case of Southern Europe, for example, it nearly goes bankrupt. For newly emerged countries that have adopted universal suffrage, many can hardly sustain,

and some have even taken to the path of extreme populism, ending in an irrecoverable state. Hence, I think it is an extremely good requirement for Chief Executive candidates to go through the process of nomination by the NC. Perhaps some may consider the electoral base in question is not broad enough. I agree with this, thus we should concentrate our effort on taking the step forward, so that we can discuss possible improvement in the composition of the NC after endorsing the proposal, but not vetoing it this time around merely because of this.

It is mentioned in the 31 August Decision that the Chief Executive should love the country and love Hong Kong. This requirement offers no cause for criticism. The constitutional reform in Hong Kong can be taken forward, yet it must be at a steady pace and in a proper direction, which will not lead Hong Kong into chaos. Everyone is scared by the Occupy Central. Who will not be scared? Why do we need that safety valve? Indeed, they should also be held responsible for this. If they do not review their strategy, I am afraid they will continue to press ahead blindly. If so, it will really come to the pass of "opposing everything forever". Hong Kong people are Chinese, thus I think it is fully justified to require the Chief Executive to love the country and love Hong Kong.

In vetoing the package this time around, they will have not only prevented the implementation of universal suffrage for selecting the Chief Executive but also caused the reform of the Legislative Council to be delayed to 2024. They have to explain this honestly to their supporters. Moreover, even if the package is designed according to their suggestion, which allows them to be elected as the Chief Executive, I believe many people will fear what Hong Kong will become if they are to be the Chief Executive. We may not only be heading towards populism but also end in devastation. It may be miserable. Many people prefer to stay on a stable and proper path to avoid blunders.

Therefore, I urge friends in the pan-democratic camp not to give up this opportunity presented before us in history lightly and not to insist on becoming the Chief Executive, for it is quite good to seize the opportunity to be the kingmaker. We enjoy the freedom of speech in Hong Kong, so that we can criticize the unsatisfactory performance of the State, yet we should not hurt the country. I hope Members will give regard to the fact that blood is thicker than water and that the peace today does not come by easily. I thus hope the pan-democratic camp will change their mind.

For the benefit of Hong Kong, even if the constitutional reform package is not passed, I hope people will allow Hong Kong to take a brief respite by ceasing actions that will damage the prosperity and stability of the country and Hong Kong. I hope the pan-democratic camp and the pro-establishment camp in Hong Kong will engage in healthy competition. I also hope that friends in the pan-democratic camp will give up their radicalism and pluck up the courage to say "No" to radicalism.

President, I so submit.

**PRESIDENT** (in Cantonese): Does any other Member wish to speak?

**MR MA FUNG-KWOK** (in Cantonese): President, the resolution on the constitutional reform package for 2017 is debated and put to vote in the Legislative Council today. This is a crucial moment that decides whether or not Hong Kong can move towards universal suffrage.

Yesterday, I read an article published in the forum page of *Ming Pao Daily News* the day before yesterday. It was written by a friend whom I have known for many years and who very much respects and supports the democratic development, namely, Prof Vincent KWAN who put forward the "G-13 Proposal" and is a founding member of HK100. With regard to his views on the democratic development and constitutional reform, I thought I should be able to hear them in this Chamber from pan-democrat Members who represent people like Prof KWAN, so that the views of these moderate and rational members of the public can be conveyed. But regrettably, I have not heard any of them up to this moment.

I may not fully agree with all the views of Prof KWAN, but as a saying goes, "gentlemen get along with others but do not necessarily agree with each other", I think in a legislature made up of representatives of public opinion, there should be room for expression of these views. Therefore, I will put aside the script of my speech that I have prepared and read out extracts of the main contents of this article written by Prof KWAN while incidentally, I hope that these views can also serve as a reminder to the moderate and rational colleagues in the pan-democratic camp.

The title of this article is: "Last advice to moderate pan-democrats before the vote". I now read out some extracts of it to this effect: "Under one country, it is better to have two systems than one system; it is better to have competition than not having competition; and the more broadly-represented the electoral base, the better. The election of the Chief Executive by universal suffrage will give all Hong Kong people an opportunity to take part in it. When the candidates for office of the Chief Executive have gone through the baptism of election in which they must strive for support from all voters in Hong Kong, the process itself can induce changes in the culture of the political system and the electoral ecology. This will enable Hong Kong to become more democratic and have a more solid footing on the road to democracy, which are the goals sincerely pursued by the pro-democracy camp.

"Since the Sino-British talks during the 1980s of the last century, the pragmatic pro-democracy camp has worked cautiously and conscientiously for almost four decades. Through their unrelenting efforts and perseverance, impressive achievements have been made in the development of democracy in Hong Kong. While the constitutional reform package within the framework laid down on 31 August still leaves a lot to be desired, if universal suffrage can be implemented for the election of the Chief Executive in 2017, the moderate pan-democrats can indeed proudly announce temporary success in the fight for democracy and in future, ongoing efforts can be made to ... continuously strive for improvement of the electoral system of electing the Chief Executive by universal suffrage while fully utilizing the leeway for enacting local legislation to expand the democratic elements in the nominating committee."

He pointed out that "as Hong Kong is a special administrative region of China, the promotion of democracy in Hong Kong involves the fundamental question of position and that is, whether one country is recognized and whether the legal status of the decisions of the National People's Congress is accepted. The veto of the constitutional reform package by the pan-democrat Members may be seen in the eyes of the Central Authorities as a challenge to one country and an antagonistic gesture to the Central Authorities, thus making communication all the more difficult in future. Therefore, unless the radical pan-democrats are unshakably determined to sever all ties with the country by, for instance, burning the Basic Law and promoting desinicization and localism, it is more appropriate to contemplate with a cool head the way forward politically and refrain from going too far."

Prof KWAN went on to say this in his article: "I always support the pro-democracy movement in Hong Kong and I would say that I am a member of the moderate pro-democracy camp. To any political party, the ultimate goal should be to win the power to rule. If various political parties and groupings in the pan-democratic camp are genuinely dedicated to working for the long-term well-being of Hong Kong, they should seriously consider how they can command the support of rational, moderate and practical middle-liners. They should lay open their political views and point out the way forward while demonstrating passion and determination, thereby giving Hong Kong people a vision."

He also added that "the nominating committee system itself gives no cause for criticism. The key lies in how best its composition can fully manifest the principle of universality and democratic elements. In this regard, the pan-democrats have never presented any view, knowing only to oppose this and oppose that and chanting hollow slogans which include no more than "I want genuine universal suffrage" and "civic nomination", not to mention their position becoming inflexible as a result of they bundling up their votes together. This is the main reason why the silent majority who take a middle-of-the-road position are dissatisfied with the pan-democrats. To gain support from these people, the moderate pan-democrats should pass the constitutional reform package in order to move forward step by step. If, one day, the pan-democrats can obtain two thirds of the seats in the Legislative Council, they can certainly enable activation of the "Five-step Process" of constitutional reform."

In his article, he put questions to the pan-democrats: "Friends in the pan-democratic camp should examine their own conscience and ask themselves: Have we acted vaguely where there should be no ambiguity? Have we forgotten to make compromise where compromise is necessary? Have we been indulgent where there should be no indulgence? For what reasons have we done so? Is it that our core thinking has vanished? Is it that we are lost over the country's position? Do we still have the courage to strive for the building of a democratic China and the spirit to fight hard and sacrifice? And is it still our goal to come to power? Or have we become like the radical pan-democrats who only think about keeping their seats in the Legislative Council and are engrossed in waging struggles in the streets, and have we already become like those Members who only put up shows by criticizing every initiative of and opposing every initiative of the Government?"

Prof KWAN gave an account of his views on democracy: "Democracy is certainly a path that all places in the world (including China) should take. The election of the Chief Executive by universal suffrage under one country, two systems is a historical mission of Hong Kong as it gives Hong Kong the opportunity to be the first to make a start and move ahead. But judging from the progress of democratization in Hong Kong in recent years, the radical pan-democrats have gradually turned our democratic values into a tool for confronting the 1.3 billion people in the Mainland, rather than a basis for us to strive for support from the 1.3 billion people. When democracy is turned into a tool of the populists for waging struggles which can paralyse the established democratic procedures, have we resolutely resisted this trend? When the voices of the separatists proliferate under the disguise of democracy, is it not that the arguments and policies put forward by the moderate pan-democrats against them have appeared to be weak and flimsy? When a small group of people keep on stirring up troubles and destroying the foundation of civilization, have we imposed restrictions on ourselves and readily looked on while the entire Hong Kong is hijacked by the radical separatists? If we continue to connive at this small group of people, ultimately they will further distance themselves from the pan-democrats one day."

He further pointed out that "over the years, although they (including certain members of the media and the tertiary education sector) have been acting stealthily by various means, their tendency towards desinicization has been consistent. This tendency which opposes everything that China does and which upholds localism and excludes other directions will pose threats to our law and order; it will shut the door to development, plunge the economy into a state of stagnation and cause divisions in society. Where populism is rampant, the people's livelihood withers. The rational and pragmatic pan-democrats must resolutely assume the responsibility of averting this prevailing undesirable trend through the implementation of universal suffrage for the election of the Chief Executive."

I think these are not just the heart-felt words of Prof KWAN, but also the views of quite a number of moderate pan-democrats and learned people. He also pointed out that "when the wrong policy direction of the radical pan-democrats has resulted in exclusion of others and the shutting of the door to the outside world, the moderate pan-democrats should be insistent on creating room for a liberal mindset. Let us not forget that the key factors underlying the

success of Hong Kong are regional economic co-operation, free economy and trade, an open education market, and the admission of talents from all parts of the world, which have been continuously providing new impetus for sustainable development."

He added that "when the radicals keep on employing populist means to incite hatred in society, the moderate pan-democrats must adopt resolute policies that do not simply cater for popular taste, in order to promote ideals to the benefit of Hong Kong and the people. Regarding such issues as the population policy, land policy, policy on building the third runway, policy on universal retirement protection and co-location of boundary control facilities, these are clearly multiple choice questions that cannot be simplified as true or false questions. We must adopt policies that address the demands relating to the people's livelihood, environmental protection and sustainable development. We must not easily succumb to the coercion of populism and get entangled in the filibusters or demonize the Mainland, which would only hold us back from making progress."

He further revealed that "For the silent majority who take a middle-of-the-road position, they are gravely worried seeing the many anomalies and chaos in society. They have seen that the political landscape has become increasingly vulgar and populism involves increasing resort to violence. These have often resulted in cases where the right and wrong are confounded and social values confused. We must actively suppress this undesirable trend. We absolutely cannot allow social ethics to degenerate and Hong Kong being ruined by populism. For these reasons, voting in support of the constitutional reform package demonstrates a sense of commitment, courage, and readiness to shoulder responsibility on the part of the moderate pan-democrats. I call on you to be brave and fearless in telling the people loudly not to be led by a distorted sense of right and wrong and not to be confused by false slogans."

President, I have read out these extracts of this article in the hope that they can produce some effects on Honourable colleagues in the pan-democratic camp, so that they will at least rethink whether they should continue to refuse to come to their senses and indulge in impractical thinking, and instead of shouting at the top of their voices the ideals for democracy, they will return to rationality and return to the political realities. They should see clearly the picture in front of them in a serious and pragmatic manner, and give a response to their supporters, especially supporters who hold expectations for the moderate and rational colleagues in this

Council as well as the group of people who have remained silent, in order that the 7 million Hong Kong people will not be deprived of their political rights, the right to universal suffrage in 2017 of the 5 million eligible voters will not be strangled, the efforts made by many people for more than three decades in fighting for democracy rationally will not be wasted in one go, and the future development of democracy will not be shrouded in uncertainties. Please cast your sacred votes in support of the package.

With these remarks, President, I support the resolution. Thank you, President.

**PRESIDENT** (in Cantonese): Does any other Member wish to speak?

**MR WONG YUK-MAN** (in Cantonese): President, I request a headcount.

**PRESIDENT** (in Cantonese): Will the Clerk please ring the bell to summon Members back to the Chamber.

(After the summoning bell had been rung, a number of Members returned to the Chamber)

**PRESIDENT** (in Cantonese): Does any other Member wish to speak?

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): If not, I now call upon the public officers to speak.

(Mr WONG Yuk-man stood up)

**PRESIDENT** (in Cantonese): Mr WONG Yuk-man, do you wish to speak?

**MR WONG YUK-MAN** (in Cantonese): President, over the past two years or so, the controversy over the constitutional reform package in the political circle has all along focused on the issue of "members recommendation". In August 2013, Ms Emily LAU and Mr Albert HO of the Democratic Party indicated one after the other that what mattered most was whether the pan-democratic camp could get the "members recommendation", that means whether people holding different political views could win candidacy. This bottom line was later echoed by some other pan-democrats. The Democratic Party was not rigid about the availability of civic nomination. What mattered most was that they could get the "members recommendation". On 31 August 2014, the Standing Committee of the National People's Congress (NPCSC), which was supposed to confirm the report on constitutional reform submitted by the Chief Executive, turned out to confirm the political reform framework in the second step of the political reform which is "unauthorized structure" *per se*. Through the nominating committee (NC) which is almost under its complete manipulation, the Communist Party implements "one-party nomination" of candidates for the Chief Executive election, and then more than 3 million registered voters in Hong Kong will act as a rubber stamp. This is the recent ear-splitting proposal for the Chief Executive election by "one person, one vote".

In April this year, the Special Administrative Region (SAR) Government published the Consultation Report and Proposals on the Method for Selecting the Chief Executive by Universal Suffrage. The details in the package under our present examination follow those in the consultation document mentioned just now: Nomination for office of the Chief Executive will be divided into two stages, namely, "members recommendation" and "committee nomination". Anyone who intends to run for the Chief Executive election must first obtain 120 nominations from the 1 200 NC members. Having obtained the "members recommendation", he becomes a contender. The maximum number of persons who can get the "members recommendation" is 10. Each contender may obtain nominations of 240 members at the maximum. It is expected that one or two pan-democrats will be able to get the "members recommendation". After that, the contenders must obtain the endorsement of more than half of the NC members in accordance with the 31 August Decision of the NPCSC. Two or three Chief Executive candidates will be selected from not more than 10 contenders for "committee nomination". Then they will be voted on by all the eligible voters in Hong Kong. That the Communist Party of China (CPC) can absolutely manipulate the nomination process of the 1 200-strong NC is only the scenario on

the surface. The fact that the three Chief Executive candidates are selected through "one-party nomination" by the CPC is the dark truth. The pan-democrats wish to get the "members recommendation", do they not? Now they are allowed to get the "members recommendation". It is only that they are not allowed to get the "committee nomination".

Earlier on, in the television advertisement on the constitutional reform package that carries the slogan "2017: Seize the Opportunity", the SAR Government stated that in the past, only the Election Committee members had the right to vote in the Chief Executive election, while the general public could only be onlookers. However, if the constitutional reform package is passed, 5 million Hong Kong people will have a say. The opportunity of having universal suffrage cannot be missed. How it has blatantly confounded right with wrong and misled the public! That "pocketing it first" is not "pocketing it forever" is a lie. The allegation that Legislative Council Members who vote against this proposal for bogus universal suffrage will deprive 5 million Hong Kong people of their right to vote is just another lie. I really wish to ask, are Hong Kong people indeed such easy prey? Besides, such evil systems as the equal proportions of seats returned by geographical constituencies through direct elections and those returned by functional constituencies as well as separate voting will remain untouched in the Legislative Council in 2016. How can Members who call themselves democrats and members of the public who have the most basic common sense support this package of bogus constitutional reform?

During the political gaming on constitutional reform, some pan-democrats still fantasized about Beijing making a slight concession in the last minute and reliving their old dream of constitutional reform of 2010 vintage. For example, on 17 May, RAO Geping, a member of the Committee for the Basic Law, stated that it is in accord with the 31 August Decision to change the corporate votes to individuals' votes in the NC, so there is room for discussion. Ms Emily LAU, the Chairperson of the Democratic Party, responded in a television interview to this effect: "It is definitely right to revise the current proposal tabled, but we absolutely cannot just make patchy remedies. We need major revisions. The changes have got to be big enough to enable the majority of Hong Kong people to have genuine representation ... to make Hong Kong people feel that they have a real choice. Then the pan-democratic camp will be very willing to support the package."

In December 2005, Mr Albert HO of the Democratic Party spoke passionately in the Legislative Council against the regressive constitutional reform package. He said, "If a politician cannot stand on high moral grounds and pass judgments on decisions of immense historical significance or make important political decisions, then he will only be relegated into a mere politico and he will be mocked in contempt. He will never hope to become a statesman." (End of quote) Yet in June 2010, the Democratic Party decided to follow another course. After negotiating with the CPC behind closed doors, it outrageously accepted the proposal that the Chief Executive shall continue to be returned by a small-circle election in 2012.

The Democratic Party has vowed in all sincerity that it would object to the motion. This Democratic Party which once succumbed to the NPCSC's interpretation and distortion of the Basic Law in 2004 and the NPCSC's decision in 2007 has indicated in the Chamber today that it will vote against the motion. So the constitutional reform package will most likely be voted down. The question is, what course will the democratic movement take after this, and how should the pan-democratic camp reposition itself? In this political gaming on constitutional reform, the CPC has actively revealed its card in its naked intervention in Hong Kong's constitutional development. For some 30 years, the pan-democratic camp has adopted its line of democratic reunification, expecting self-improvement of the CPC, seeking reform within the system and insisting on peaceful and rational protests without violence and vulgar language, which is a passive and compromising approach. In the end, it can only get a package of bogus universal suffrage. I am afraid it is time to wake up.

On 31 May, WANG Guangya, the Director of the Hong Kong and Macao Affairs Office of the State Council, made the point very clear in Shenzhen. He said there are two types of people in the democratic camp. One is a handful of people with ulterior motives. The other type consists of the majority of the pan-democrats who wish to have more communication. The former are "diehard" and obstinate. There are not too many of them, but they will pose enormous hazards. Beijing's stance on them is firm and clear. It is determined to fight them with no ambiguity. On the same occasion, LI Fei, the Chairman of the Committee for the Basic Law, said that the constitutional reform is the touchstone that tests whether the pan-democrats support or oppose "one country, two systems". It is "the watershed for taking the right path to co-operation to attain mutual benefits, or continuing to go the wrong way of confrontation which

causes damage to both sides". Telling from the Beijing officials' intransigent comments, the CPC's tactics of suppressing the opposition camp after the vote will surely be its usual practice of uniting the majority and attacking the minority. It is foreseeable that localist groups which have sprung up in great numbers will bear the brunt of severe suppression by the State machine.

After the constitutional reform package is voted down in the Legislative Council today, even if the CPC's propaganda machine does not persecute at one stroke all the legislators who have voted against the proposal and label all of them the "diehard" camp, the obstinate camp and even advocates for Hong Kong independence, it will certainly criticize some pan-democratic Members for their being coerced or hijacked by a handful of people with ulterior motives. In such a situation, the pan-democratic camp may either continue with its peaceful and rational approach which is free of violence and vulgar language and dissociate itself from the bold protesters, or, reposition the democratic movement and seek another way out for Hong Kong's future.

(THE PRESIDENT'S DEPUTY, MR ANDREW LEUNG, took the Chair)

Recently, Members may have noticed that student groups as well as the pan-democratic camp have started to draw nearer to such aspirations as localism, devising the constitution by all people and self-determination by Hong Kong people. In the 4 June candlelight vigil in the Victoria Park this year, representatives of university student unions tore and burnt copies of the Basic Law, calling for self-determination and amendment of the constitution. The Hong Kong Alliance in Support of Patriotic Democratic Movements of China, which takes "building a democratic China" as its mission, did not stop them.

On 14 June, when forecasting the situation in the "post-constitutional reform" era, the Chairman of the Civic Party, Mr Alan LEONG, pointed out that the future political platform of the pan-democrats cannot evade the "mainstreaming of the localist perspective". In the next Legislative Council election, interested parties will also discuss what course the "one country, two systems" principle will take after 2047, that is, whether Hong Kong will become Mainlandized or the other way round. On the following day, Joshua WONG, the convenor of Scholarism, published an article of some 4 800 words, entitled

"After the constitutional reform package is vetoed, what then? Squarely face the problem of Hong Kong's Future in 2047" on the "Century Page" of *Ming Pao Daily News*.

As early as 12 December 2012, I already mentioned in my speech on the motion on "Vote of No Confidence in the Chief Executive" that "Hong Kong's political system must immediately undergo a thorough reform instead of following the original schedule" and put forward an initial concrete proposal on "devising the constitution by all people, making a new covenant". In my speech on the motion to impeach LEUNG Chun-ying on 9 January 2013, I quoted the social contract theory to substantiate my justification for devising the constitution by all people.

After the great march on 1 July 2013, I burnt a copy of the Basic Law in the assembly organized by the Civic Passion to initiate the devising of the constitution by all people. At the same time, the Civic Passion announced its launch of a system for devising the constitution by all people on the Internet, with a view to soliciting valuable opinions from the public.

On 12 November 2014, I formally submitted the motion on "Devising the constitution by all people, making a new covenant, and realizing genuine 'Hong Kong people ruling Hong Kong'". In my response given in the last minute before the vote, I pointed out that "men cannot live without ideals, or else they will lack the drive for progress or even lose the meaning of existence". However, among the 27 Members who do not belong to the pro-establishment camp, 17 abstained and six were absent.

My purpose in recapping these events of the past is simply to tell Members that these aspirations for progress have their historical origins, and devising the constitution by all people is not any new idea created by me. In 1996, social activists NG Kung-siu and LAU Shan-ching set up the People's Constitutionalist Society. The progressive democratic political party the Frontier, which was set up in the same year, also stated the same aspirations in its political platform. A number of Honourable colleagues in the democratic camp in the Council today were founding members of the Frontier.

In view of the reality, if the pan-democratic camp agrees that the proposition of the opinion leaders in the localist civil rights movement is advocated not for the purpose of speculation but rather, it is caused by the CPC's

colonial policy of "demographic reshuffling" which Hong Kong people are facing, under which their living space is shrinking, the chance for the next generation to move upward becomes increasingly slim, and people are unable to find a shelter even in the place where they grew up, they will be filled with the same desperate anger of the localists who protest in the front line and feel the same way as they do.

From the constitutional perspective, have they given up their old fantasy about the rulers in Beijing devolving powers and reform of the political system being achieved smoothly? In the brainstorming session of the academic circle on amending the constitution with the question: "Is it only a dream for Hong Kong people to amend the constitution?" in the civic square yesterday, WONG Ching-fung, the President of the Students Union of The Chinese University of Hong Kong, expressly pointed out: "The so-called 'high degree of autonomy' and 'Hong Kong people ruling Hong Kong' merely represent two systems for the economy rather than differences in the political system ... The White Paper, the 31 August Decision and the interpretation of the Basic Law by the NPC have encroached upon judicial independence. All of these bear testimony to this. As a result, the Basic Law has already failed. We need to have self-awareness to challenge this mindset of the CPC and refuse to accept the ideas of classes in colonial rule. Only then will it be possible to amend the constitution." These are comments made by a university student.

The aspiration for amending the Basic Law cannot be realized through the impossible threshold of obtaining the consent of two-thirds of the Hong Kong deputies to the NPC and two-thirds of all the members of the Hong Kong Legislative Council under Article 159. Rather, it will be achieved by persistent struggles from bottom up which force the CPC to accept a relaunch of the constitutional reform through devising the constitution by all people or conducting a referendum to allow the people to make their own decision.

Lastly, taking a localist path to fight for civil rights will imply a complete break-up with the CPC. Will the pan-democratic camp come to understand that they can never flinch? Do they have such courage after all?

I have served in the Council for seven years. In 2010, I voted against the constitutional reform package of the Democratic Party. Today, I will also say "No" to this bogus constitutional reform package of the CPC.

There has not been the slightest progress in the development of democracy. Being one of the participants in the democratic movement, I have failed the voters. Following a bitter self-examination, I feel deeply ashamed. Here I must apologize to the fellow Hongkongers who have supported me all along. We have failed. LU Liuliang, a survivor from the Ming Dynasty, decided to forgo his scholarly honour and cause of insurrection as he felt the culture of his nation was on the brink of extinction following its subjugation. He lived in seclusion in the woods and engaged in writing and teaching, passing on the moral spirit, preserving the seeds of culture and setting a paragon for Chinese people. One of his poems reads, "Living just for the sake of survival, I find such a life unbearable. Hunger, as I have learnt now, is the least significant. Strolling and chanting as I am awakened, I do not mind how I will be buried. Even if I can barely have a shroud in my death, I have no regret." Self-awareness of personality and dignity is the starting point for resolving political problems. Today, I shall vote against the bogus constitutional reform out of my conscience and rationality, as I have awakened to "have no regret even if I can barely have a shroud in my death". Otherwise, I will have to face my descendants with shame and live in remorse for the rest of my life.

Veto the bogus constitutional reform; Down with the puppet regime; Save our own Hong Kong!

With these remarks, Deputy President, I object to the motion!

**DEPUTY PRESIDENT** (in Cantonese): Does any other Member wish to speak?

**DR HELENA WONG** (in Cantonese): Deputy President, first of all, I wish to talk about why the Democratic Party will surely cast a "nay" vote. The key issue is that we have fought for three decades, in the hope that there can be a democratic electoral system in Hong Kong and that the Chief Executive and all Legislative Council Members can be elected by universal suffrage of "one person, one vote". This is stipulated in the Basic Law but where is the democratic universal suffrage that we lobbied for from the 1980s to the reunification in 1997? Since I was in my twenties, that is, at the same age as the young students who took part in the Umbrella Movement, I began to campaign for democracy but now, I really have to cast a "nay" vote with tears in my eyes.

Yesterday, the Chief Secretary for Administration, Mrs Carrie LAM, asked, "Is this not the democratic universal suffrage that you people in the pan-democratic camp have all along very much wanted?" She said she did not understand why we wanted to negative this proposal today. Of late, the Chief Secretary for Administration, Mrs Carrie LAM, has been visiting local communities all the time and I also hope that if she has the time today, she can go downstairs, not just to listen to the views of the red camp, which supports the constitutional reform proposals, but also the views of members of the public who insist on listening to this debate even though they are sweating under the scorching sun. Last night, I stayed here until half past ten and when passing by those tents, there were still many young people and middle-aged people there. They told me they were very concerned about the voting this time around and asked me to be mindful of not pressing the wrong button. I said I would not and that I had covered everything else with adhesive tape, so that there was only one button to press, that is, I would surely cast a "nay" vote.

Why must I oppose the package? Why must I negative, in tears, this package claimed by you to be a proposal for universal suffrage? The reason is very simple because it is just one word: "bogus". The slogan in the Government's pamphlets on the constitutional reform is "2017 Make it happen!". In fact, I also hope very much that we can make it happen but unfortunately, what kind of a package have you come up with for us to vote on today? If smart people look clearly at your pamphlets, they will find that the authorities have deleted the proposal for universal suffrage. Chief Secretary for Administration, on what grounds should it be passed? I think you are somewhat like the "poor daughter-in-law" in old Cantonese films. You were told to take forward the constitutional reform but I think the constitutional reform trio are also very pitiable. Although some Members upbraided you for failing to convey the wishes of the Hong Kong public properly, the SAR Government knelt down right from the start as it was obliged to put forward a proposal according to the 31 August framework, that is, this is somewhat like making life difficult for the "poor daughter-in-law". What are you promoting? You know this full well. No matter how you fiddle with it and come up with what you consider to be the best package within the 31 August framework, in fact, you surely cannot make it happen. In the final analysis, it is because of this 31 August framework.

Last week, I received *The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China* distributed by the Constitutional and Mainland Affairs Bureau to us. If you read this booklet in

earnest from cover to cover, you will feel a great degree of unease. Secretary Raymond CHAN said that the booklet is the Basic Law but apart from the main text of the Basic Law, the Annexes and 24 instruments are also placed into it. These instruments are not the Basic Law and the authorities, for fear of criticisms from us, state on the inside of the front cover that "The information contained in this booklet has no legal status, and is made available for information only ...". If this booklet is not the Basic Law, why does the title on the front cover read "*The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China*"? You should say that this booklet contains the Basic Law and instruments for reference.

All right, granted that the cover is misleading, it is however stated on the inside of the front cover that "The information contained in this booklet has no legal status ...". The Basic Law can be found therein, so does it mean that even the Basic Law has no legal status? If the Basic Law does have any legal status, does it mean the 24 instruments appended to it all have no legal status and are for reference only? If they have no legal status, why does the Chief Secretary for Administration behave as though she were the "poor daughter-in-law" in a difficult position? Why do you not tell the Standing Committee of the National People's Congress (NPCSC) that the instrument of the 31 August Decision is also included therein but it does not have any legal status? Does it actually have legal status or not? The Constitutional and Mainland Affairs Bureau is ambivalent even in dealing with the Basic Law. However, I still have to thank you because as an academic and teacher, I will still read these instruments.

Members may not have paid particular attention to the fact that in this booklet containing the Basic Law and instruments for reference, the instrument related to the 31 August Decision can also be found therein but there is also another instrument dated 27 August. The instrument of 27 August is instrument 24 and was published a few days before the 31 August framework formulated by the NPCSC, that is, on 27 August ... sorry, it should be a year earlier, that is, in the Tenth Session of the Standing Committee of the Twelfth National People's Congress convened on 27 August 2014. A few days before the passage of the 31 August Decision, a line in the instrument of this meeting was worded in a very special way. On page 106, the then Hong Kong and Macao Affairs Office (HKMAO) of the State Council considers that "... although the views are quite divergent in the Hong Kong community with regard to the specific method of universal suffrage for the selection of the Chief Executive, various sectors of the Hong Kong community generally hope to see the selection of the Chief Executive

by universal suffrage in 2017. Therefore, in accordance with the relevant Decision of the NPC Standing Committee adopted on 29 December 2007, the implementation of the selection of the Chief Executive of the Hong Kong Special Administrative Region by universal suffrage in 2017 may be approved." I think the next line merits Members' attention. It reads, "At the same time, it is necessary to make provisions on the core issues concerning the method of universal suffrage for selecting the Chief Executive, which will be conducive to building further consensus in the Hong Kong community. The method for forming the Legislative Council in 2016 may remain unchanged." A few days before the passage of the 31 August Decision, that is, on 27 August, the HKMAO considered it necessary to make some provisions on the core issues concerning the method of universal suffrage. I believe this refers to the so-called 31 August Decision made a few days later. However, for what reason did the HKMAO want to make such a decision in the second step? It is said that hopefully, this would be conducive to building further consensus in the Hong Kong community.

Why do we want to negative the package today, or why do we hope the Central Authorities can re-examine the 31 August Decision? Although the Chief Secretary for Administration, or Mr Rimsky YUEN, as the Secretary for Justice enjoying the highest status in the legal sector, may not be capable of changing the decision of the NPCSC, has he ever reminded the NPCSC that the making of this decision would run counter to its original intention? Its original intention is that hopefully, this decision once made would be conducive to building a consensus on universal suffrage in Hong Kong. Unfortunately, the announcement of the 31 August Decision scuttled the entire constitutional reform package and made it impossible for us to render it our support. Why?

As Members can see, in the last several months, many public opinion surveys have been carried out in Hong Kong and some people even dug into their own pockets to carry out such surveys. Some universities have conducted them and some social groups have also conducted them. Members can see clearly that there are different views in Hong Kong society on the method of universal suffrage for the selection of the Chief Executive, as well as on the rights to nominate, to vote and to stand for election. In particular, with regard to the 31 August framework, two distinctly different camps have emerged: One supporting it and the other opposing it. Obviously, this 31 August Decision has not helped build further consensus in Hong Kong. That means it is problematic, so it is necessary to solve this problem by returning to the basics. However, the Chief Secretary for Administration did not tell the Central Authorities clearly this

and dared not tell them that it would not work, pointing out that in the Legislative Council, Members of the pan-democratic camp had made clear at an early stage that if the 31 August Decision was not amended, they definitely would not cast "yes" votes. For this reason, no matter how hard she visits the local communities, place advertisements or squanders taxpayers' money, all such efforts are in vain and bound to be fruitless. In that case, why did she not tell the Central Authorities properly?

Now, the Democratic Party still hopes that the Central Authorities can carry out a re-examination and if the 31 August Decision formulated by them cannot result in the forging of a consensus in Hong Kong, it is necessary to withdraw the 31 August Decision and formulate another package that can command majority support in society. If this time around, the pro-government camp suddenly undergoes a transformation and looks on itself as the pan-democratic camp, saying that they support universal suffrage, and if they really support universal suffrage, in the event that Beijing revises this proposal in the future to make it even more democratic, will they jump out all of a sudden to voice opposition and perform a "face-change" in such an eventuality? Since they back democracy and universal suffrage, I hope that they will continue to back it to the very end, until "Grandpa" revises the 31 August Decision, and that they will continue to offer their backing when a consensus has been forged in society. In this way, they can really call themselves the pro-democracy camp. For now, they must not make any pretence.

Deputy President, the speech delivered by the Secretary for Justice yesterday said that Article 26 of the Basic Law stipulates that "Permanent residents of the Hong Kong Special Administrative Region shall have the right to vote and the right to stand for election in accordance with law." Indeed, the package devised within the 31 August framework represents an attempt to give the Hong Kong public the right to elect, so that they can elect the Chief Executive by "one person, one vote". This being so, why do we not support it? Of course, we support the election of the Chief Executive by "one person, one vote". However, the problem lies in the fact that in his speech Secretary for Justice Rimsky YUEN jumped to the other aspect quickly. He said, "Article 45 of the Basic Law makes specific stipulation as regards the right to make nomination and clearly provides that the Chief Executive candidates shall be nominated by ... a nominating committee ...". However, he omitted the several words in the middle: What about the right to stand for election? The threshold for "members

recommendation" under this package, standing at just one tenth, is low and "members recommendation" can be secured with the recommendation of just 120 people but this is to fool the public because the threshold for "committee nomination" is extremely high, so high as to be unattainable and so high that the support of more than half of all members is required. Were the thresholds for nomination in the several Election Committees of the past so high? In view of this, what is the aim?

In fact, the Central Authorities — this time, when we went to Shenzhen to meet with WANG Guangya, he also made it very clear why the threshold had to be set so high. Why is it necessary for the Nominating Committee (NC) to monopolize nomination, and why do the nominations have to be corporate nominations for that matter? Because they want to exercise screening. Such screening is unreasonable because it infringes on the public's right to stand for election, so this package violates the Basic Law.

The Chief Secretary for Administration or Secretary Raymond TAM said that it was possible to have fair competition and that after securing "members recommendation", we could lobby for the support of 1 200 people and if we could not secure sufficient support, we should just admit to having lost the game and that you simply lacked adequate ability. Obviously, this is also a scam. Why? Because no change whatsoever is made to the 1 200-member NC and its composition is a direct copy of the Election Committee for the selection of the Chief Executive. Within the four sectors, no change whatsoever is allowed to be made to the 38 sub-sectors, then pressure is exerted on us to play this game. This is a game of manipulating the public. Even if one can secure "members recommendation", one definitely cannot secure "committee nomination". Members need only do some calculation of the votes to know how many votes the Central Government can control. It is more than 900 votes. How many votes can the pan-democratic camp secure at the most? They can only secure 200 or 300 votes at the most, so how can they possibly get 600 votes to secure "committee nomination"? In that case, it is necessary to ask the NC members of the pro-government camp to give us votes but even if we were to kneel down and shine their shoes, they would still not give us a single vote. Therefore, in the final analysis, the aim is to effect screening.

Deputy President, 15 minutes of speaking time is really inadequate, but I must speak once again in response to the unfounded and slanderous accusations made by Mr WONG Yuk-man of the Democratic Party. What the Democratic

Party is campaigning for has never been whether or not someone from our party can secure "committee nomination". What we are campaigning for is a nomination mechanism that has no unreasonable restrictions and will not deprive people of different political opinions of their right to stand for election. Regarding this kind of bogus universal suffrage with screening, we can only say "no". Our goal is not whether or not anyone from our party can stand for election, rather, the goal is to put in place a fair election, so that people of different political views can enter the race and let the public make their choices. For this reason, regarding the unfounded and slanderous accusations made by Mr WONG Yuk-man, basically, I do not want to respond to them any further.

In addition, when voting on the constitutional reform package, I will cast this most sacred vote of mine to oppose it.

**DR LAM TAI-FAI** (in Cantonese): Deputy President, in the face of the tense, changeable and intricate political landscape now, Hong Kong finds itself in a highly riven and confrontational situation fraught with conflicts. People have gradually lost mutual trust and respect among them. If this situation continues to deteriorate, the situation in Hong Kong offers prospects too ghastly to contemplate and a cause for concern.

The constitutional reform can change the fate of Hong Kong people and also change the road to be treaded by Hong Kong. In this era involving major issues of right and wrong and at this crucial moment in history, being responsible Legislative Council Members with conscience, we must keep our minds clear. We must have the ability to think and make judgments independently, as well as a pragmatic attitude to make an astute, rational and pragmatic voting decision on the constitutional reform package this time around. Only in this way can the constitutional development of Hong Kong find a way forward and we must by no means place personal political interests above the overall interest of Hong Kong, taking foolish, rash, selfish actions that will harm the country and Hong Kong.

Deputy President, if we only chant empty slogans and campaign for democracy in an impractical manner without facing the reality, I believe even after the passage of 10, 20 or 30 years, the constitutional development of Hong Kong will still get nowhere and remain an utter failure. Deputy President, at present, people in the community who support the constitutional reform package generally believe that the development of democracy must proceed in the light of

the actual situation in society and in a gradual and orderly manner by taking one step at a time in a pragmatic manner. We can by no means attain the ultimate goal in one step, nor should we expect to reach our goal in one stride. For this reason, they have kept telling opponents of the package that this opportunity cannot be missed and that we have to "pocket it first". However, the opponents believe that if they "pocket it first", it is tantamount to "pocketing it forever" and that they would do the next generation a disservice. If civic nomination is not put in place, they choose to adopt a confrontational stance and lose-lose approach in dealing with the Central Authorities and consider their obduracy as justified insistence.

Deputy President, although, the Director of Hong Kong and Macao Affairs Office of the State Council, Mr WANG Guangya, recently made a point of clarifying that the claim of "pocketing it first" being tantamount to "pocketing it forever" was a distortion and a misleading claim, Members of the pan-democratic camp criticized Mr WANG Guangya for putting up a show, making misleading comments and using verbal coercion to achieve the desired effect. In sum, what they are doing is to evade the reality and deliberately refuse to believe in the explanations given or comments made by officials of the Central Authorities, so as to move the goalposts continually, divert the public's attention and refuse to seek a consensus.

Deputy President, having come to this pass, I am totally disappointed with Members of the pan-democratic camp. I suggest that the Government should refrain from wasting its breath, and the Chief Secretary for Administration needs not devote too much mental energy to urging, persuading and exhorting them in a persevering, earnest and well-intentioned manner, so as to change their minds, turn them around and make them adopt a rational attitude again because the wrong path taken by them is leading them ever more astray and farther and farther away. They have arrived at a precipice, incapable of telling right from wrong or what is important and unimportant. In fact, they are utterly miserable and pitiable but this cannot be helped. They know full well that it is a dead end but they still made such a choice, opposing for the sake of opposition, waging struggles for the sake of struggles and being confrontational for its own sake, and their thinking is extremist.

Deputy President, the 27 Members of the pan-democratic camp come from various backgrounds, have different experiences and represent voters of different functional constituencies and geographical constituencies, so I really do not understand why this group of Members are willing to follow the lead of Mr Alan

LEONG of the Civic Party and regard him as the "Big Brother", answering his call to bundle up themselves to negative the package, showing a complete lack of independent thinking and the willingness to be kidnapped by him, acting as his underlings, listening to his orders, heeding his dictates, adopting a confrontational stance towards the Central Authorities and tormenting the country, so this is really extremely unwise.

Deputy President, Mr Alan LEONG of the Civic Party is capable of fooling the whole group of Members in the pan-democratic camp into bundling up themselves together, so it can be said that he has great flair in the practice of fraud. Unfortunately, this major scam or kidnapping in democratic development has resulted in the death of the present constitutional reform package in its embryonic form, as well as degeneration and retrogression in the development of democracy in Hong Kong, which is most heartrending. Members of the pan-democratic camp often talk about conscience this minute and dignity the next. If they really have such a strong conscience and care about dignity so much, they should let the development of democracy in Hong Kong take a step forward, albeit a small one. For many years, they have hoisted the banner of "campaigning for democracy" and made a living out of it. Yet, when it comes to such a crucial moment, they are proffering a load of fallacious arguments and nonsense to resist the advent of democratic election by universal suffrage. If this is not the biggest joke in the world, it is the lie of the century.

Deputy President, this time around, Members of the pan-democratic camp are bundled up together to negative the constitutional reform package, thus destroying the development of democracy in Hong Kong, ruthlessly cutting off the road to universal suffrage for Hong Kong and shattering Hong Kong people's dream of dual universal suffrage, that is, the selection of the Chief Executive by universal suffrage and the formation of the Legislative Council by universal suffrage, so it can be said that the selection of the Chief Executive by "one person, one vote" cannot be realized in the foreseeable future.

Deputy President, not only has the occurrence of this tragedy resulted in the stagnation of the constitutional development in Hong Kong, it also compelled the 5 million eligible voters in Hong Kong to continue to wander from place to place on the road of democratic development together with Members of the pan-democratic camp because of their inverted dream and refusal to "pocket it first". Members of the pan-democratic camp can continue to make all kinds of

pretences, saying that they want to campaign for universal suffrage and democracy for their voters and continue to do so for another 30 years, and perhaps even for life.

Deputy President, the conduct and deeds of Members of the pan-democratic camp today will be recorded in history and time will also reveal that their bundling up of themselves to negative the package will cause tremendous harm to the country and Hong Kong. Deputy President, the Central Government absolutely has the sincerity and determination to implement the selection of the Chief Executive by universal suffrage of "one person, one vote" in 2017 according to the Basic Law. During the colonial era, Hong Kong was ruled by the British and Hong Kong people never questioned who should be appointed the Governor. It would even be complete fantasy to yearn for election of the Governor by "one person, one vote", something impossible. After the reunification, we are protected by the Basic Law and under "one country, two systems", it is possible to practise "Hong Kong people ruling Hong Kong" and "a high degree of autonomy". If the package this time around is passed, we will have the right to elect the Chief Executive by "one person, one vote" from 2017 onwards.

(THE PRESIDENT resumed the Chair)

My friends, if all parties can make analyses in a calm and rational manner and compare the conditions of democracy before and after the reunification, they would feel very grateful to the State for conferring on us the democratic rights and the opportunity to introduce universal suffrage. Unfortunately, people in the pan-democratic camp have ignored the provisions of the Basic Law and disregarded the actual situation of society and only care about demanding civic nomination and the formulation of the constitutional reform proposals according to the so-called international standards as described by them, and if these conditions are not met, the universal suffrage is not genuine. In the final analysis, they want to force the Government to formulate a package which guarantees that they can secure "committee nomination" to run for office of the Chief Executive. This is the genuine universal suffrage that they are talking about. They are living in their own fantasy world and completely removed from the reality in society, adopting all along the stance that if the Central Authorities do not accede to their demands and do not formulate the package according to their standards, they will adopt a lose-lose approach, fall out with the Central

Authorities, kick up a big fuss, occupy the Central District and blockade the Legislative Council, displaying an aggressive attitude in an attempt to threaten the Government by resorting to intimidation and violence. So does it mean that such acts done in pursuit of democracy can be considered civilized conduct?

President, a most infuriating incident has happened in Hong Kong recently, that is, some Members with ulterior motives went so far as to script, direct and perform an act to elevate their own importance by concocting a story and fabricating facts, deliberately spreading rumours to vilify the Central Authorities, claiming that the Central Authorities had offered something like \$300 million, \$100 million or money "enough to support one for two lives" to buy their support for the constitutional reform proposal, using such base and roguish tactics to openly challenge the Central Government and attack and tarnish the State, thus damaging the image of the State and the rule of law, so such conduct is disgraceful and despicable. The Director of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region, Mr ZHANG Xiaoming, criticized their conduct as "preposterous and ridiculous" but this is indeed being too kind and tolerant to them. People in various social sectors must unite in denouncing them outright. If they are condoned in spreading rumours and causing troubles, society will never see a day of peace.

President, they did not try to understand and learn about the 31 August Decision of the NPCSC fully, in depth and properly before demanding in hysteria that the Central Government overturn this decision with constitutional and legal status made by the NPCSC, so this is practically to persist in being unreasonable. President, Hong Kong is an inalienable part of the country and the Central Government, for the sake of the people of the whole country and the healthy development of the country now and even in the future, must strive to defend national security, sovereignty, unity and territorial integrity. The Central Authorities can by no means condone any instance of one person, several men or even a lot of people in Hong Kong colluding with foreign forces to oppose the country and take actions that violate the "one country, two systems" principle and the Basic Law, and still less can they accept anyone who does not love the country or Hong Kong in becoming the Chief Executive, ruling Hong Kong and effecting administration. In fact, not even a shred of chance should be given to them. This is a fact that is entirely right, proper and natural. For this reason, the Basic Law states clearly that the Central Authorities have the substantive power to appoint the Chief Executive, so all of us must appreciate and understand this.

**MR LEUNG CHE-CHEUNG** (in Cantonese): A point of order. While I was listening to Dr LAM Tai-fai, a placard behind him was moving constantly. This is very disturbing to the eye and I could not even listen to his speech in peace. Can you please tell Mr Albert CHAN to put down the placard?

**PRESIDENT** (in Cantonese): Mr Albert CHAN, please put down the placard displayed by you. Dr LAM Tai-fai, please continue.

**DR LAM TAI-FAI** (in Cantonese): If you had been listening to me in peace, you should not have disrupted my speech alas. (*Laughter*) President, I will lend my full support to the constitutional reform package and cast the "Yes" vote but unfortunately, the constitutional reform package will certainly be negated. I believe that after this event, Hong Kong will have suffered a serious blow to its well-being and all members of the public in Hong Kong are losers. It can be said that all the efforts made by the Government in the past will be in vain and flushed down the drain. However, the constitutional reform trio have already done their level best and performed their duties fully, so there is actually no need for them to blame themselves too much, still less do they have to resign. President, if they deign to accept it, I will have no problem in inviting them to a banquet in recognition of the services rendered by them.

President, it is a shame that the next selection of the Chief Executive will still be a small-circle election with little legitimacy. Friends in the pan-democratic camp, may I ask you what difference a Chief Executive with 689, 789 or even 989 votes would make? What actual purpose would negating this constitutional reform package this time around serve? What can you get? The cost borne by society this time around is really enormous and the worst and most damaging of all is to lose this opportunity of development of democracy.

President, the campaign for universal suffrage is a long road and after the voting on the constitutional reform package, I hope everything will resume normal and everyone will forget the old scores, adopt a peaceful and rational attitude, respect the rule of law and continue to strive for democracy. There is no need to feel downhearted because of the failure this time around but we must also by no means resort to deliberate disruption of social order or resort to intimidation, violence, coercion or demagoguery in campaigning for democracy

either. If one insists on one's wrong ways, becomes irrational and damages the mutual trust between the Central Authorities and the SAR, it will only push Hong Kong to a situation beyond redemption that will not be beneficial to anyone or any members of the Hong Kong public.

I sincerely hope that all levels of the SAR Government, various political parties and groupings as well as the Hong Kong public can set aside their prejudices and stop the wrangling, bid farewell to struggles, stop the internal attrition, unite together, work for mutual benefits and understanding, show mutual tolerance and respect and join hands in developing the Hong Kong economy and improving people's livelihood, so as to make contribution to the prosperity and stability of Hong Kong. Hong Kong people must strive to bring honour to themselves, give play to the spirit of "Under the Lion Rock", implement "one country, two systems" fully and put "Hong Kong people ruling Hong Kong" and "a high degree of autonomy" into practice. I wish that after the storm, there would be a blue sky and tomorrow would be better.

President, I so submit.

**PRESIDENT** (in Cantonese): Does any other Member wish to speak?

**MR WU CHI-WAI** (in Cantonese): President, today is the day for the battle between truth and falsehood, and the battle between facts and lies. This is the day the fate of Hong Kong in democratic development will be decided. This is the day the battle between Hong Kong people and the leftist camp and privileged camp in Hong Kong is fought.

LI Fei, the Chairman of the Committee for the Basic Law, said that how Members vote on the motion would be the touchstone on whether or not they support "one country, two systems". The head of the Liaison Office, ZHANG Xiaoming, also said that the pan-democratic camp which vote against the constitutional reform package will have to "repay debts of votes with votes". President, since the reunification, the Democratic Party has all along insisted on the implementation of "one country, two systems" and requested the Central Authorities to fulfil its constitutional obligation under the Basic Law. However, the package for bogus universal suffrage proposed by the SAR Government this

time around has not only failed to provide a genuine political choice to society but also failed to mend the broken relationship in society and improve governance. This is actually going against the trend. Hence, all six Members of the Democratic Party will vote against the constitutional reform package.

The Democratic Party has prepared for the worse. Even if the Central Authorities intend to launch all-round suppression against the Democratic Party, and the leftist camp and privileged camp are to instigate punishment against us in elections, we will cast six "No" votes against the package of bogus universal suffrage without any hesitation. For this is the promise we made in the election and this represents our aspiration that our next generation can continue to strive for genuine universal suffrage.

Last time, the Central Authorities made a volte-face and accepted the constitutional reform proposal put forth by the Democratic Camp in 2010. At that time, the Democratic Party passed the demand that the Central Authorities should cease using the requirement of "gradual and orderly process" as an excuse to hold back the constitutional development in Hong Kong and procrastinate fulfilling the promise of implementing universal suffrage which the Central Authorities made to Hong Kong people in front of the whole world. Now, we have exposed the cards in the hands of the Central Authorities. The Central Authorities have not only imposed three heavy gates through the 31 August Decision, WANG Guangya, Director of the Hong Kong and Macao Affairs Office, even pointed out particularly to the pan-democratic camp at the meeting with Members of the Legislative Council in Shenzhen to this effect that: "The design of the universal suffrage system for the Chief Executive does not aim to restrict them from obtaining recommendations and prevent them from securing committee nomination, for even if they were luckily elected, the Central Authorities will insist on not approving their appointment." This illustrates clearly that the constitutional reform package under the 31 August Decision must be a system of political screening. However, the Central Authorities and the SAR Government have launched extensive propaganda to "cheat, lure and coerce" the public, presenting this bogus universal suffrage with no genuine choice as true democracy. Yet, the results of various opinion polls indicate that at least 40% of Hong Kong people definitely will not accept the bogus universal suffrage with political screening proposed by the Central Government, and they find it unacceptable that the authorities are presenting lies as the truth.

In fact, since the reunification, the Central Authorities have been stepping up their influence. They have even intervened in the internal affairs of Hong Kong directly. Hong Kong people are not only dissatisfied with the governance by the SAR Government and they are starting to blame the Central Authorities. This has driven Hong Kong people and the Central Authorities into antagonism and resulted in a lose-lose situation. The only winners in this course are people with vested interests who make use of the tilted policies to obtain most of the benefits generated by economic growth. As for the general public, no regard has been given to the plights they faced in living. This has intensified the class struggles and widen the gap between the rich and the poor.

The privileged class in Hong Kong all along hopes that genuine universal suffrage will not be implemented for the selection of the next Chief Executive. For this reason, they make use of the Central Authorities' worry about the sensitive issue of national security and distort Hong Kong people's discontent arising from the social conflict of "the alliance of the privileged" by saying that this is a force against the Central Authorities. As a result, the NPCSC imposed three strict restrictions in the 31 August Decision to protect the vested interests of "the alliance of the privileged". The vested interests of this alliance is protected by the bogus universal suffrage. If the package of bogus universal suffrage is passed, the universal suffrage to be implemented for the 2020 Legislative Council Election will naturally follow the definition of universal suffrage with political screening under the 31 August Decision. By then, the functional constituencies (FCs) of the Legislative Council will adopt the so-called "one-person-one-vote" approach under the unreasonable screening system, which means FCs will continue to exist forever. If the package of bogus universal suffrage is not passed, the FCs will continue to be protected. President, now the pan-democratic camp can veto the bogus universal suffrage for the selection of the Chief Executive. But if the package is passed, people with vested interests may veto all motions concerning the abolition of FCs, for this will affect their interests. Therefore, if Hong Kong people realize that acceptance of the constitutional reform package within the 31 August Decision framework will sow the seed for allowing FCs to continue to exist forever, will they consider the package acceptable after thinking about it deeper?

Certainly, if the pan-democratic camp loses the position of holding one third of the votes for opposition one day, it can no longer veto any constitutional reform proposal and the existing package under the 31 August Decision may be passed. As for the political landscape after the passage of such a package, in the

so-called universal suffrage for the Legislative Council election to be held, the corresponding definition of universal suffrage may be used. In other words, the electoral and political system of Hong Kong as a whole will be subject to the control of leftist consortia and the alliance of the vested interests further. The powerless will become more powerless and we will depart from the path to universal suffrage farther.

In fact, national security and political checks and balances are not necessarily mutually exclusive. As government officials of the Central Authorities have always stressed, an overwhelming majority of Hong Kong people support "one country, two systems" and respect the Basic Law. Hence, it is impossible that the Chief Executive selected by universal suffrage, a Chief Executive returned by universal suffrage with genuine choices, will oppose the Central Authorities on every issue, and such a Chief Executive will not do that. Moreover, there is a constitutional safeguard in the Basic Law, namely, appointment by the Central Authorities. As Director WANG Guangya said, if the Central Authorities do not accept the Chief Executive elect, they may exercise the constitutional power of appointment accordingly. Hence, a Chief Executive returned by genuine democratic universal suffrage and appointed by the Central Authorities can hardly threaten national security. It is thus unnecessary to raise the risk standard for national security to the zero-risk level. Such an approach will make the choice under the political system extremely conservative, preventing us from providing a political platform that can identify genuine and reasonable solutions for social conflicts. Methods that can solve the various social problems in Hong Kong all point to one target, that is, the election of the Chief Executive and the Legislative Council must be completely democratic. The phenomenon of political resources being monopolized by a small coterie of rich and powerful people can thus be eradicated, and the problem of government policies being tilted to the rich and powerful addressed.

Honestly, after the constitutional reform package is vetoed, the SAR Government may think that it can evade mentioning constitutional reform in the next five to 10 years. But I have to state here that the Democratic Party will not give up striving for genuine universal suffrage. I may even state in advance that the Democratic Party will demand the SAR Government to reactivate the "Five-step Process" of constitutional reform for the Chief Executive election in future. We will also demand that the SAR Government handle the election of the Legislative Council by universal suffrage in parallel. A political system should be geared towards resolving social conflicts and improving governance.

An effective political system must exist under effective checks and balances between the executive and the legislature. Therefore, the Democratic Party will demand the SAR Government to open discussions on the election system for the Chief Executive and the Legislative Council in full swing concurrently and collectively, and to review the political system of Hong Kong in a comprehensive manner. Moreover, the universal suffrage for the Legislative Council election can be implemented first, to be followed by universal suffrage for the election of the Chief Executive. This can stop the rich and powerful in politics from continuing to enjoy free political lunches, and the Chief Executive returned by universal suffrage can truly answer public opinions and improve governance. In other words, the discussion on our political system can proceed in parallel. In the days to come, we do not have to adopt the approach of "first implementing universal suffrage for the Chief Executive election and then for the Legislative Council election". For if this approach is adopted, on the premise of achieving mutual understanding and mutual accommodation in politics, all the pressure of the scale will naturally fall on the pan-democratic camp, as we cannot possibly accept bogus universal suffrage, nor will we readily hand the power to protect the privileged to Members from the pro-establishment camp.

The bell on the tiger's neck must be untied by the person who tied it. The vetoing of the constitutional reform package is a turning point for society to think about ways to stop people with vested interests from enjoying free political lunches, and for the Central Authorities to think about ways to honour the promise of implementing universal suffrage. This is also a starting point for seeking effective ways to address the division in society. The Umbrella Movement has nurtured among the next generation enhanced concern about the democratic development in Hong Kong. This has sown the seeds for democracy. One day, these flowers of democracy will mushroom all over Hong Kong, and genuine universal suffrage will definitely be implemented.

With these remarks, President, I oppose the constitutional reform package. Thank you, President.

**MR CHEUNG KWOK-CHE** (in Cantonese): President, today, the Legislative Council finally has come to the voting procedure for the method for selecting the Chief Executive in 2017. I believe Members know Article 45 of the Basic Law like the back of their hands and agree that the Chief Executive should be selected

by a broadly representative nominating committee in accordance with democratic procedures. Members from the pan-democratic camp surely support democracy and hope that the promise made under the Basic Law for selecting the Chief Executive and all Members of the Legislative Council by universal suffrage can be implemented as soon as possible. Regrettably, the 31 August Decision made by the Standing Committee of the National People's Congress (NPCSC) last year has shattered Hong Kong people's dream for democracy. Under the new proposal, the Election Committee (EC) will be renamed to the Nominating Committee (NC), and candidates who manage to obtain the endorsement of more than half of the members of the NC will be nominated, and then all electors in Hong Kong will vote on the nominated candidates to select the Chief Executive.

What is the definition of "broadly representative"? I think people with different stances will have different interpretations. In my view, the most simple and straightforward method is to include all elected District Council members and Members of the Legislative Council in the NC. I know the business and industrial sector will surely oppose this, for this will directly undermine their vested interest. Clearly, the requirement to obtain the endorsement of more than half of the members of the NC to be nominated is a screening process, and the "one person, one vote" election by universal suffrage will be reduced to an act of endorsement. This package submitted by the SAR Government is comparable to putting old wine in a new bottle. It is undoubtedly challenging the wisdom of Hong Kong people by requesting the Legislative Council to pass such a package. The pan-democratic camp cannot but veto the package. However, I wish to point out that the one who breaks the promise for universal suffrage under the Basic Law and deprives Hong Kong of the opportunity to vote is not those Members of the Legislative Council from the pan-democratic camp but the pro-establishment camp which has supported the 31 August Decision and is unwilling to truly reflect the views of the public to the SAR Government. After all, there is dereliction of duty on the part of the Government in failing to provide a constitutional reform package supported by the majority public. In contrast, the pan-democratic camp are fulfilling their duties as representatives of the people by voting against the package based on the views of the public. We are obliged to do so.

President, as a Member from the functional constituency of the welfare sector, I will surely refer to the views of the sector. According to a survey conducted by the Hong Kong Social Workers' General Union (HKSWGU) in the

sector in last April, in the part relating to the method for nomination, the average score for the option of "following the current composition of the Election Committee which consists of four major sectors" is only 3.04, which is far lower than the score of 7.87 for the other option that "all members of the Election Committee to be elected by all registered electors". If we do not draw reference from this survey, we may refer to a questionnaire survey conducted in 2005 by the HKSWG and the Hong Kong Social Workers Association. It was then found that 75.8% of the respondents considered that the corporate votes under the EC and the functional constituency election should be changed to individual votes, and 77.1% of the respondents considered that the number of members of the EC should be increased to 1 600 or more. The public opinion has been crystal clear all along. If everyone is given a choice, they will use their votes to punish and kick out the 1 200-member EC and the NC proposed by the Government this time but not the pan-democratic camp.

President, regarding the likely veto of the package today, I think the content of the package *per se* is not the only cause. Indeed, the trust between the Central Authorities and the public and the trust between the public and the SAR Government are wearing thin. The constitutional reform is only a reflection of the divided society. The 31 August Decision is definitely the direct cause of the division. At the same time, the pro-establishment camp which give verbal support to the constitutional reform package are actually concerned about their vested interests, thus they are unwilling to give up the corporate votes and accept changes to the existing mode of the EC. The public are watching and they remember this at heart.

If the pro-establishment camp are sincerely concerned about the good of the country, Hong Kong and the economy, why do they not have the courage to put forth ideas and suggestions different from the 31 August Decision to mend the cracks in society and to work truly for the passage of the constitutional reform package? Why are they unwilling to take a step forward so that Hong Kong can take the second step? Why do they on the contrary intensify the conflicts and cause the trust of the public in the Central Government to drop further? We are all elected Members, why do they only need to work as a rubber stamp but do not have to be held responsible for hindering the democratization? Not only does the Government have to reflect on itself, the legislature also has to reflect why the public will think of vetoing the package.

The Umbrella Movement has made it clear to society the quest of young people and professionals for a democratic system. Their desire to defend such core values as democracy, freedom, human rights, the rule of law and justice were fully expressed in the course of the 79-day Occupy action. Young people are the masters of society in the future. When it comes to the future development of society, particularly reform of the political system, should we not listen to their voice and respect their opinions? We know that many opinion polls indicate that people aged between 18 and 29 oppose the existing constitutional reform package by a significant proportion, but it seems that the Government's package has failed to incorporate their views.

Democracy is closely related to the people's livelihood. I work in the social work sector. Over the years, I have persevered in the fight for universal suffrage for I hope that under a democratic system, various classes will be respected in a fair and reasonable environment, the interest of different classes will be protected, and the grassroots can fully enjoy the fruits of prosperity. By then the livelihood problems in different aspects will be alleviated, which will be truly conducive to the overall development of Hong Kong.

The Government said that if the constitutional reform package were vetoed, it would focus on enhancing economic development and handling people's livelihood issues. I certainly support enhancing the work on people's livelihood. Yet, we have all along been requesting the Government to heed the views of the public on various aspects, to increase the transparency of its administration and to enhance the competence of the Government. Take the Elderly Services Programme Plan which I am concerned about recently as an example. The public consultation conducted by the Government in this regard is terribly poor. Before announcing the consultation report of the first stage consultation, it hastily conducted the second stage consultation in the period between June and August. Besides, the authorities had only invited certain organizations to small-group discussions, whereas co-workers in elderly services were not invited. It is evident that in the implementation of livelihood policies, the Government has failed to command full trust and support from the public, not to mention making the public understand the policies of the Government, and in the worst-case scenarios, the public cannot benefit from the initiatives at all.

Lastly, I have to add one point. In the development of civilization mankind, there are reasons for us opting for democracy and freedom instead of autocracy and dictatorship. Democracy means to allow people to decide for

themselves and freedom means that people are free from restrictions. In other words, people are released from various unreasonable restrictions to have individual thinking and judgment. Hence, men need to establish systems in society to ensure that each citizen will enjoy fundamental freedom which is essential and important, and these are the system of democratic election we refer to. In this connection, politics is meant to design and operate such a democratic system. If the operation and design do not have the consent and mandate of the people, it lacks legitimacy, and in that case ethics will be missing in politics. Politics should not be a power struggle, it should not be a friend or foe differentiation, and it should not be people oppressing people. Politics should be the pursuit of the establishment of a good community, protection of the basic rights of mankind and realization of the fundamental interest of mankind. Governments and countries exist for these reasons, and it is on this basis that people have the obligation to follow the governments.

President, in the constitutional reform this time around, I can see that politics has been simplified and degraded to a scramble for power and interests. Ethics is out of the scene, and violence and deception rein on stage. Society is in disintegration. This is the gravest problem we are now facing. I think we should all reflect deeply what harm our actions have done to society. As a representative of the welfare sector, I must reflect the views of the sector and society faithfully by vetoing this constitutional reform package. After that, I will continue to strive for the abolition of the unreasonable screening system and the functional constituencies, and persevere in striving for the early implementation of "dual universal suffrage" for the Chief Executive and the Legislative Council elections.

The Chief Executive said that after the constitutional reform package is vetoed, the Government will focus on economic and livelihood issues. In fact, subjects of constitutional reform, economy and people's livelihood are not in a mutually exclusive relationship; they should indeed be addressed concurrently. But since the Government has made this commitment in open, society will be glad to see it accomplished. Let us see how the Government will honour its promise. Back to the subject, there are indications that the Government may push through the funding application for the Innovation and Technology Bureau (ITB) in the Finance Committee of the Legislative Council in the near future by postponing other motions including the adjustment of the Civil Service pay, provision for additional allowance equal to two months of Comprehensive Social Security Allowance, Old Age Living Allowance and "fruit grant", provision for

the rehabilitation block at Tuen Mun Hospital and rehabilitation complex at Kwun Tong and the provision for an elderly home in Sheung Shui, and so on. The Government is trying to coerce the Finance Committee into passing the motion on the establishment of the ITB making use of these livelihood issues. We all know that the establishment of the ITB is a very controversial subject. Last year, the Finance Committee spent over 14 hours to debate the question and it could not be passed. This time, the Government continues to employ this tactic, so it is evident that the Government does not care about the people's livelihood.

President, after the present constitution reform package is vetoed, we have to continue to walk this path for constitutional reform and a new proposal will not emerge automatically. By the same token, regarding the next step, various sectors have to face and deal with the problem together. No party should harbour the fantasy that Hong Kong will change automatically into a desirable realm. At this time, if the Government is sincere in taking Hong Kong forward, it should take the initiative to facilitate communication among various sides. Apart from using certain established advisory organizations, the authorities should set up platforms for people with different opinions to exchange views and discuss social affairs, such that trust in society can be established afresh to prevent further division.

President, I so submit.

**PRESIDENT** (in Cantonese): Does any other Member wish to speak?

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): Chief Secretary for Administration, do you wish to speak again?

**CHIEF SECRETARY FOR ADMINISTRATION** (in Cantonese): President, from speeches made by Members spanning some 10 hours yesterday and today, I can hear that Members in support of the motion have presented clear arguments supported by sound justifications for taking forward democratic development in

Hong Kong. Their speeches have fully reflected the aspiration of the majority public for the selection of the Chief Executive by universal suffrage, and the down-to-earth, rational and pragmatic attitude expected of Members in handling political issues. Here, I thank them for their efforts made over the past 20 months in the discussions on the constitutional reform as well as their support for the work of the Task Force on Constitutional Development (the Task Force).

On the other hand, I have also noticed that a number of pan-democrat Members have continued to make criticisms revolving around several issues, including the powers of the Central Authorities, the question of genuine or bogus universal suffrage, the failure of the Task Force to reflect the wish of Hong Kong people, and so on. Concerning these criticisms, the three members of the Task Force have, over the past 20 months, given explanations on various occasions, including in our opening speeches yesterday. Therefore, I do not intend to repeat the details again. I only wish to make two points in brief to sum up my understanding of the past 20 months' of work on the constitutional reform.

First of all, with regard to constitutional development which is an issue of great significance, in order for consultation to be effective and discussion constructive, a prerequisite is a common constitutional and legal basis, which is the Basic Law and the relevant interpretations and decisions made by the Standing Committee of the National People's Congress (NPCSC). But regrettably, the pan-democrat Members have since the beginning of the discussion on the constitutional reform neglected the role of the Central Authorities in the constitutional development of the Hong Kong Special Administrative Region (SAR) and turned a blind eye to the fact that it is clearly provided in Article 45 of the Basic Law that a broadly representative nominating committee (NC) is involved in the system for selecting the Chief Executive by universal suffrage in the SAR. Even now, the pan-democrat Members, in order to fight for the "genuine universal suffrage" as referred to by them, still insist on various proposals in an attempt to undermine the powers of the NC and even strip the NC of its powers, such as insisting on civic nomination in their speeches yesterday and today, and adamantly refusing to accept that the Central Authorities have a say in the constitutional development of the SAR. As I repeatedly reiterated during the consultation, any deviation from the basic policy of "one country, two systems" and neglect of the constitutional requirements would mean a lack of the most fundamental basis for any discussion. As a result, it would be difficult to make any progress or achievement.

In response to the demand made by the pan-democrat Members for initiating the "Five-step Process" again, I wish to point out that there are already express provisions in the Basic Law and the 31 August Decision made after careful and thorough consideration. If the pan-democrat Members continue to neglect these constitutional documents with binding effect on the constitutional development of Hong Kong and continue to employ various means to intimidate and compel the Central Authorities and the SAR Government to accept proposals for election by universal suffrage that are not in line with the Basic Law and the 31 August Decision, I am afraid the aspiration of Hong Kong people for selecting the Chief Executive by universal suffrage will not be realized and the objective of the election of all Members of the Legislative Council by universal suffrage will be unattainable in the foreseeable future.

Second, some pan-democrat Members have criticized the Task Force for not exerting its best to get its job done properly, not making any commitment for promoting democratic development and not faithfully conveying the opinions of Hong Kong people to the Central Authorities. Some Members have used insulting and derogatory expressions to wantonly and unreasonably make personal attacks on the three of us. I absolutely cannot accept this. This is not the attitude expected for political discussions at meetings of the Legislative Council; nor is this conducive to forging rational communication and improving the relationship between the executive and the legislature.

President, as the team leader of the Task Force, I must say that looking back on the last 20 months, while the work of the Task Force may not be perfect and the performance of the three of us may not be flawless, but as Mr LEE Cheuk-yan said yesterday, I can "hold my head high" and say that in the past 20 months, the Secretary for Justice, the Secretary for Constitutional and Mainland Affairs and I myself have all along been fully dedicated to our duties. We have worked in accordance with law and endeavoured to forge a consensus in society. To realize the objective of implementing universal suffrage for the selection of the Chief Executive, we have made painstaking efforts to conduct consultation among various sectors of the community on the method for the selection of the Chief Executive by universal suffrage, in order for the Chief Executive to faithfully report these views to the Central Authorities, and we have tabled to the Legislative Council a package on the selection of the Chief Executive by universal suffrage strictly in accordance with the Basic Law and the relevant interpretations and decisions made by the NPCSC. The entire process is open

and transparent, and is monitored by Members of the Legislative Council and Hong Kong people. We firmly believe this package is constitutionally and legally in order, fair and reasonable. It is the best package under the current actual circumstances in Hong Kong and has commanded support from over 40% to 60% of Hong Kong people.

We have a clear conscience for our work over the past 20 months. Whether or not this package can be endorsed rests in the hands of Members with constitutional powers here in this Chamber. If the 5 million eligible voters in Hong Kong will eventually lose the opportunity to select the Chief Executive by universal suffrage in 2017 due to the insistence of the pan-democrat Members, I believe many members of the public, like the three of us in the Task Force, will consider it most unfortunate and depressing to be deprived of the right to election for no reason. I trust the public know only too well who should be held responsible. As for the comments on the constitutional reform trio, I do believe justice lies in the people's hearts.

Yesterday, the press took pictures of me from the press gallery up there, which showed that I was writing on a slip of paper to the effect of "taking things way too seriously; watch out for your health!". In fact, over the past 20 months, a lot of colleagues and good friends of mine, and even members of the public and some Members of the Legislative Council who are in this Chamber now have said these words to me. I am very grateful for their care and support. Perhaps they know my disposition too well and so, they hoped that I would not be exerting myself to the extent of having my health compromised. Therefore, as we came to this final and crucial moment, I naturally wrote down these words yesterday to remind myself that regarding this arduous task on the constitutional reform, even though the final outcome might not turn out in the way as we wish, all that matters is to be true to my conscience.

President, with the voting on this proposal today, the work on the constitutional reform of the current-term SAR Government will come to an end and the Task Force will be disbanded in tandem. After 20 months of highly politicized and polarized contentions, many members of the public may have become wearied and may think that it is necessary to give society some breathing space.

Let me say this to Members who are in this Chamber, people assembled outside the Legislative Council Complex, as well as each and every member of the Hong Kong community: You may have different positions on the constitutional reform but after the proposal is put to vote today and no matter what the result will be, society may need some time to cool down and rethink, so as to reflect on everything that happened in Hong Kong over the past 20 months and think about the future direction of Hong Kong. After this day, we should set aside differences and make a new start. Hong Kong is our home, and we still have to move on. The concerted efforts of various sectors of the community are still required for taking forward economic development and addressing social and livelihood-related issues.

My work on the constitutional reform over the past 20 months made me believe all the more strongly that when dealing with various social issues and facing various challenges, we should adopt a rational, pragmatic, understanding and accommodating attitude, enhance communication and build up mutual trust, with a view to making concerted efforts to address problems. I believe it is only through communication in different ways and through different channels with different groups of people can misunderstandings be reduced effectively and mutual trust enhanced. It is only through communication that there can be greater room for us to set aside personal interest and work in concert to resolve problems on the premise of serving the overall and long-term interest and well-being of Hong Kong at large.

I have described this constitutional reform exercise as the most difficult task of my 35 years of public service. Apart from the words of encouragement given me from time to time, there are three personal beliefs that have been giving me the strength to bite the bullet and carry on over the past 20 months. First, I do believe this constitutional reform package is the best proposal that the SAR Government can put forward now, which can best meet the interests and well-being of the country and Hong Kong as a whole and should be recommended to Hong Kong people; second, I very much love Hong Kong where I was born and brought up, a place that I call home, and I will exert my utmost to contribute to the democratic development of Hong Kong; and third, I always cherish the hope that the package can be passed. Even if the package is ultimately negated, the efforts made over the past 20 months may sow the seeds and lay the foundation for discussions on constitutional reform in the future. No matter whether we will succeed or not today, I think I have done justice to myself and to Hong Kong people.

At this juncture, I feel sad and disappointed that the constitutional reform package is going to be vetoed. There is no way for me to foretell when the democratic development of Hong Kong will set off again, but I firmly believe that so long as we resolutely uphold the basic policy of "one country, two systems", hold fast to the core values of Hong Kong which include the rule of law, and keep our convictions, our passion and our hopes for Hong Kong alive, a better tomorrow still lies ahead of Hong Kong.

President, I so submit.

**SECRETARY FOR JUSTICE** (in Cantonese): President, some Members have mentioned certain points of law in their speeches. Here I would like to briefly respond in three aspects.

The first one involves the power of the Standing Committee of the National People's Congress (NPCSC). On 29 December 2007, the NPCSC made a decision which confirmed that at an appropriate time prior to the selection of the Chief Executive of the Hong Kong Special Administrative Region (SAR) by universal suffrage, the Chief Executive shall make a report to the NPCSC as regards the issue of amending the method for selecting the Chief Executive, and a determination thereon shall be made by the NPCSC.

In the speech he made yesterday, Mr Albert HO considered that the NPCSC only had the power to determine whether the method for selecting the Chief Executive could be amended, but it did not have the authority to stipulate how it should be amended. Mr HO thus questioned whether the relevant contents of the 31 August Decision carried any binding effect in law.

We do not concur with Mr HO's query. Article 7 in Annex I to the Basic Law expressly provides that any amendment to the method for selecting the Chief Executive after 2007 must obtain the approval of the NPCSC. The NPCSC is responsible for the second and the fifth steps of the "Five-step Process". In other words, not only can the NPSCS determine in the second step of the "Five-step Process" whether the method for selecting the Chief Executive can be amended. It can also decide in the fifth step at the end of the "Five-step Process" whether to approve the amendment proposal.

Hence, in view of the "Five-step Process" and the overall constitutional and legal arrangements, the word "determination" in the decision made by the NPCSC on 29 December 2007 should not be interpreted too narrowly. The correct interpretation and understanding of the term includes the authority of the NPCSC to set out the directions or requirements which shall be followed in amending the method for selecting the Chief Executive.

Prof Albert CHEN of the Faculty of Law of the University of Hong Kong has expounded on the same view on a public occasion before. When Mr LI Fei, the Deputy Secretary General of the NPCSC, explained the 31 August Decision in Hong Kong on 1 September last year, he explained as follows (I quote), "According to Annex I to the Basic Law and its relevant interpretation, the power of the Central Authorities to determine the amendment to the method for selecting the Chief Executive is exercised by the NPCSC. The proposed amendment to the method for selecting the Chief Executive to be submitted to the NPCSC for approval in the future would be endorsed by a two-thirds majority of all the Members of the Legislative Council and should obtain the consent of the Chief Executive. At that stage, the NPCSC could only decide to approve or not approve the amendment, but could not make any amendment to the amendment proposal. Therefore, the NPCSC could only exercise its power on how to amend the method for selecting the Chief Executive in order to implement universal suffrage at the stage of the decision. This was an important reason for the NPCSC in its decision laying down provisions on certain core issues concerning the method for selecting the Chief Executive by universal suffrage."

In other words, not only can the NPCSC determine in the second step of the "Five-step Process" of constitutional reform whether the method for selecting the Chief Executive can be amended. At the same time, it can make decisions on the relevant core issues so that the amendment proposed by the SAR Government in the third step of the "Five-step Process" will more likely be approved by the NPCSC after it is endorsed by the Legislative Council and consented by the Chief Executive, thus enabling the "Five-step Process" to be completed more smoothly.

The second aspect is about judicial independence. Mr WONG Yuk-man quoted in his speech the allegation of the President of a student union encroachment on judicial independence and even the Basic Law having lost its effect. The debate conducted by us today is about amending the method for selecting the Chief Executive, but being the Secretary for Justice, I must point out

unequivocally that these comments mentioned earlier do not have any legal or factual basis at all. The Basic Law is the constitution of the Hong Kong SAR. No matter what political view an individual holds, he shall abide by and respect the Basic Law. Besides, the judicial independence in the Hong Kong SAR enjoys full respect. Independent assessment organizations overseas as well as business sectors in the world have a very high opinion of the judicial independence in the Hong Kong SAR.

Thirdly, it is about the order of implementation of universal suffrage for the Legislative Council and Chief Executive elections. Mr WU Chi-wai proposed in his speech that we may consider implementing universal suffrage for the election of Legislative Council Members first, and it may not be necessary to implement universal suffrage for the selection of the Chief Executive first. Mr WU Chi-wai's proposal violates the decision made by the NPCSC on 29 December 2007 and the 31 August Decision last year. The reason is that the NPCSC has plainly pointed out in both decisions that universal suffrage will be implemented for the election of all Members of the Legislative Council only after the Chief Executive is selected by universal suffrage.

President, I so submit.

**PRESIDENT** (in Cantonese): Secretary for Constitutional and Mainland Affairs, please reply.

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, from Wednesday afternoon to this juncture, 41 Members have spoken on the motion proposed by the SAR Government on the amendment to the method for the selection of the Chief Executive. I would like to express my gratitude to Members supporting the motion. Regrettably, according to the speeches made by Members, the motion will be vetoed by the Legislative Council today. The efforts made by the public over the years to strive for the selection of the Chief Executive by universal suffrage of "one person, one vote" will go down the sewer. The general public earnestly hope that they can cast their votes at the polling stations two years later to select the next Chief Executive, but this hope is now dashed. I believe a majority of the public share the extreme disappointment and helplessness now gripping me.

President, if the motion is vetoed by the Legislative Council unfortunately, the method for selecting the Chief Executive will remain unchanged, and we will be marking time. According to the 2004 interpretation of the Standing Committee of the National People's Congress (NPCSC) and the 31 August Decision made by the NPCSC, if the specific method of universal suffrage for selecting the Chief Executive is not adopted in accordance with legal procedures, the method used for selecting the Chief Executive for the preceding term shall continue to apply. In other words, the method adopted for selecting the Chief Executive in 2012 will continue to be applied to the Chief Executive Election in 2017. By then, the Chief Executive will continue to be nominated and selected by the 1 200-member Election Committee (EC). In this connection, during the period of about 20 months in future, the SAR Government will make all endeavours to prepare for the election of the EC to be held in 2016 and the Chief Executive Election to be held in March 2017 and the relevant work. In view of the controversies arisen from the discussions on the constitutional reform over the period in the past, the social sentiments to emerge after the vetoing of the constitutional reform package today and the legislative timetable, the SAR Government does not plan to make any significant changes to the two existing election methods (including the composition of the EC) other than certain necessary technical amendments.

President, this is the third time I participate in the constitutional reform work of the SAR Government, and I believe this will also be the last time. Hence, I would like to take this opportunity to share my experience with Members. As I mentioned at a meeting of the subcommittee, the core issue of election of the Chief Executive by universal suffrage is the relationship between the Central Authorities and the SAR. To successfully implement universal suffrage in an unknown future, I think we must address this core issue properly. In my view, three foundations should be rebuilt properly.

First, it is the legal foundation. The Basic Law states clearly the relationship between the Central Authorities and the SAR and the constitutional power of the Central Authorities under "one country, two systems", as well as the power conferred on the Legislative Council, the Chief Executive and the NPCSC respectively in constitutional reform. This constitutional order must be recognized and respected by all sectors in society, for this requirement is stipulated clearly under the Constitution of China, the Basic Law and the relevant interpretations and decisions made by the NPCSC. Therefore, any constitutional

reform proposal must be formulated strictly in compliance with the Basic Law and the relevant interpretations and decisions of the NPCSC. It is possible to forge a consensus only with this common foundation in law.

Second, it is the communication foundation. Communication is vital to narrowing differences and avoiding misunderstandings. Some Members from the pan-democratic camp attending the meeting at Shenzhen on 31 May expressed the wish to maintain continued communication with officials of the Central Authorities. However, Members must understand that the key to successful communication lies in the attitude adopted by both parties but not the form of communication. If communication is commenced in the lack of due sincerity, an open mind, an attentive ear and mutual respect, it will not bring any practical effect despite the proper arrangement made. In fact, the SAR Government had arranged in the past a number of precious opportunities for Members from the pan-democratic camp to meet with the Central Authorities to have direct communication on the subject of constitutional reform. Regrettably, certain Members had failed to grasp these opportunities, and certain Members from the pan-democratic camp even took advantage of those occasions to make political poses and various unnecessary gestures. They thus wasted the opportunities of communication for no good reason.

The last one is the foundation of mutual trust. Mutual trust cannot be built overnight. We must undergo the gradual process of sand grains accumulating to form a castle and water droplets pooling to form an ocean. It is important for all of us to return to the legal basis and make good use of the communication foundation, so as to build mutual trust gradually. Be cautious not to make improper comments and take improper actions that may damage mutual trust.

President, the SAR Government has made it clear that if the motion on the selection of the Chief Executive by universal suffrage is vetoed, the Government of the current term cannot and will not restart the "Five-step Process" for constitutional reform in its remaining term. As for the question of whether the Government of the coming term will do so, it will definitely be left to the Chief Executive to decide. However, I personally think that in the days to come, if we fail to work hard to reinforce the three foundations mentioned and strengthen the relationship between the Central Authorities and the SAR, I am afraid society may not have the objective conditions to restart the "Five-step Process" for constitutional reform to implement the selection of the Chief Executive by universal suffrage.

President, as a verse of a Chinese poem described, "Travelling this path in Shu is harder than scaling the blue sky" ("蜀道之難，難於上青天"). Constitutional reform is always an extremely difficult subject. A "Keep Out" sign is placed on the road to Chief Executive Election 2017 by universal suffrage today. However, I believe experience is the mother of wisdom, the SAR Government and the Legislative Council of the next term or future term will definitely learn a lesson and gain experience from the constitutional reform exercise this time, and they will then exercise the great wisdom of King Solomon in taking forward universal suffrage for the general public.

President, I so submit.

(Mr LEUNG Kwok-hung stood up)

**MR LEUNG KWOK-HUNG** (in Cantonese): President, will you take part in the vote? Back then, you said if the Government asked you to vote, you would do so. Today, has the Government asked you to take part in the vote?

**PRESIDENT** (in Cantonese): Mr LEUNG Kwok-hung, please be seated. Your question is not a point of order. Please state which provision of the Rules of Procedure you have invoked.

**MR LEUNG KWOK-HUNG** (in Cantonese): According to the convention, the President of the Legislative Council will not participate in voting in general.

**PRESIDENT** (in Cantonese): Mr LEUNG Kwok-hung, please be seated. Yours is not a point of order.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by the Secretary for Constitutional and Mainland Affairs be passed. The question is now put to vote.

Mr Gary FAN rose to claim a division.

**PRESIDENT** (in Cantonese): Mr Gary FAN has claimed a division. The division bell will ring for five minutes.

(While the division bell was ringing, Mr LEUNG Kwok-hung stood up and spoke aloud)

**PRESIDENT** (in Cantonese): Mr LEUNG Kwok-hung, the meeting is still in progress, please do not violate the Rules of Procedure. Please sit down and keep quiet.

(While the division bell was ringing)

**MR JEFFREY LAM** (in Cantonese): President, can we request that the meeting be suspended for 15 minutes? We would like to have some discussion.

**PRESIDENT** (in Cantonese): Mr LAM, just now before I announced that the motion was put to vote, you might make this request, but now I have already announced that the motion will be put to vote and the division bell is ringing, I will not suspend the meeting at this juncture.

(While the division bell was ringing, a number of Members left the Chamber)

(After the division bell had been rung for five minutes)

**PRESIDENT** (in Cantonese): Will Members please proceed to vote.

**MS CYD HO** (in Cantonese): President, I have a point of order.

**PRESIDENT** (in Cantonese): Ms HO, what is your point?

**MS CYD HO** (in Cantonese): I request a headcount.

**PRESIDENT** (in Cantonese): Will the Clerk please ring the bell to summon Members back to the Chamber.

(While the summoning bell was ringing)

**MR LEUNG KWOK-HUNG** (in Cantonese): President, I must protest. We were going to vote but we cannot vote now.

(After the summoning bell stopped ringing)

**MR DENNIS KWOK** (in Cantonese): President, it is time for voting and we should vote.

**PRESIDENT** (in Cantonese): Will Members please proceed to vote.

**MR DENNIS KWOK** (in Cantonese): President, we should vote now.

(A number of Members talked in their seats)

**PRESIDENT** (in Cantonese): Will Members please keep quiet. Clerk, is a quorum present in the Chamber?

(The President confirmed that a quorum was present in the Chamber)

**PRESIDENT** (in Cantonese): Will Members please proceed to vote.

**PRESIDENT** (in Cantonese): Voting shall now stop and the result will be displayed.

Mr Tommy CHEUNG, Mr Vincent FANG, Dr LAM Tai-fai, Mr CHAN Kin-por, Mr James TIEN, Mr Frankie YICK, Miss CHAN Yuen-han and Mr CHUNG Kwok-pan voted for the motion.

Mr Albert HO, Mr LEE Cheuk-yan, Mr James TO, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Frederick FUNG, Prof Joseph LEE, Mr Ronny TONG, Ms Cyd HO, Dr LEUNG Ka-lau, Mr CHEUNG Kwok-che, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr Albert CHAN, Mr WONG Yuk-man, Ms Claudia MO, Mr WU Chi-wai, Mr Gary FAN, Mr Charles Peter MOK, Mr CHAN Chi-chuen, Dr Kenneth CHAN, Mr Kenneth LEUNG, Dr KWOK Ka-ki, Mr Dennis KWOK, Dr Fernando CHEUNG, Mr SIN Chung-kai, Dr Helena WONG and Mr IP Kin-yuen voted against the motion.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

**MR LEUNG KWOK-HUNG** (in Cantonese): Hong Kong people want genuine universal suffrage!

**PRESIDENT** (in Cantonese): Keep quiet.

**MR WONG YUK-MAN** (in Cantonese): Go to hell!

**PRESIDENT** (in Cantonese): Mr WONG Yuk-man, be quiet immediately.

**MR WONG YUK-MAN** (in Cantonese): I do not care!

**PRESIDENT** (in Cantonese): Mr WONG Yuk-man, keep quiet.

**MR LEUNG KWOK-HUNG** (in Cantonese): President, the pro-establishment camp are cowards, for they have left the Chamber today!

**PRESIDENT** (in Cantonese): Mr LEUNG Kwok-hung, be quiet immediately.

THE PRESIDENT announced that there were 37 Members present, eight were in favour of the motion and 28 against it. Since the question was not agreed by a two-thirds majority of all the Members of the Council, he therefore declared that the motion was negated.

**PRESIDENT** (in Cantonese): Members have been informed that I will adjourn the Council after this motion has been dealt with, and the remaining items on the Agenda will be dealt with when the Council resumes.

#### **NEXT MEETING**

**PRESIDENT** (in Cantonese): I now adjourn the Council until 11 am on Wednesday 24 June 2015.

*Adjourned accordingly at 12.35 pm.*