

**Statement by the Chief Secretary for Administration on  
the Consultation Document on the Method for Selecting  
the Chief Executive by Universal Suffrage  
at the Legislative Council Sitting on 7 January 2015**

Mr President,

Today we have the first meeting of the Legislative Council (“LegCo”) in 2015. First of all, I would like to wish you all a prosperous new year and hope that it will mark a good start for constitutional development and other Council business, and enable us to work together and use our best endeavours to serve the public in the overall interest and well-being of the Hong Kong community.

2. Following the end of the 79-day unlawful “Occupy Movement” in mid-December 2014, social order has generally been restored. After the festive season, it is now time for society to refocus on, and discuss, constitutional development in a rational manner. Today, the Government of the Hong Kong Special Administrative Region (“HKSAR”) will publish the Consultation Document on the Method for Selecting the Chief Executive by Universal Suffrage (“Consultation Document”) to start a two-month public consultation on the method for selecting the Chief Executive (“CE”) by universal suffrage in 2017. Like the first round public consultation, I seize the very first opportunity to attend the LegCo to make the following Statement so as to introduce to the public at large and all Members the details of the Consultation Document.

**Constitutional Basis of Universal Suffrage**

3. Mr President, on 4 December 2013 I made a Statement in this Council to kick start the first round public consultation on constitutional development. At that time, I started with the theme of “Recapitulating History, Respecting Constitutional Order” and stated that when we discuss the method for selecting the CE, we have to consider the historical background of the establishment of the HKSAR, understand the unique constitutional status of the HKSAR, and comprehend the legal framework which is based on the Basic Law and the relevant Interpretation and Decisions of the Standing Committee of the National People’s Congress (“NPCSC”). Following the discussions of and the disputes over constitutional development in the past year or so, as well as the unlawful “Occupy Movement” which last for more than two months, we firmly

believe that when we formulate the method for selecting the CE by universal suffrage, we must uphold the principle of “One Country, Two Systems” and act in strict accordance with the provisions of the Basic Law and the relevant Interpretation and Decisions of the NPCSC. These are solid constitutional principles.

4. On 31 August 2014, the NPCSC adopted the Decision of the Standing Committee of the National People’s Congress on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016 (“Decision”). According to the Decision, universal suffrage for the CE election of the HKSAR could be implemented starting from 2017. The Decision sets out a clear framework on the specific method for selecting the CE by universal suffrage and stresses that the Central Authorities are determined to implement the basic policies of “One Country, Two Systems”, “Hong Kong people administering Hong Kong” and a high degree of autonomy. It has all along been the position of the Central Authorities to act strictly in accordance with the Basic Law in taking forward, in a gradual and orderly manner, universal suffrage for the CE election in 2017. The Central Authorities have also repeatedly stressed that they hope that the HKSAR Government and various sectors in Hong Kong community would work together and achieve the goal of universal suffrage for the CE election as scheduled according to the provisions of the Basic Law and the Decision.

### **Public Reactions to the Decision**

5. Since the Decision was adopted by the NPCSC, various sectors of the community have expressed very divergent views. Some groups and persons initiated the unlawful “Occupy Movement” to exert pressure on the Central Authorities and the HKSAR Government; requesting “civic nomination”, “revocation of the Decision” and “restart of the public consultation on constitutional development”. The “Occupy Movement” has disrupted social order, affected the economy and livelihood of the people, strained human relationships, and even undermined the rule of law in Hong Kong. At the same time, it disrupted the timetable for the public consultation on constitutional development. Taking into account the situation and atmosphere in the society at that time, the Government decided to defer the second round public consultation which was originally scheduled to start in October last year.

6. Hong Kong is a free, open and pluralistic society and the Government highly respects people's freedom of expression. We have also heard clearly the aspirations for democratic development as expressed by the initiators and supporters of the "Occupy Movement". However, as Hong Kong is a place where we uphold the rule of law, cherish social order and respect the rights of others, we should express our views and strive for our goals in a lawful, fair and reasonable manner. If people ignore legal and political realities or even resort to disrupting public peace and undermining other people's rights, the so-called "pursuit of the ideal" or "fight for justice" is just empty talk. We should indeed reflect as to whether these drastic actions can in the end really lead us to achieve the goal of universal suffrage.

### **Foreword of the Consultation Document**

7. At the beginning of this Consultation Document, the Task Force on Constitutional Development ("Task Force") has included a foreword. The purpose of the foreword is to clearly explain to the public the context in which the second round public consultation was launched; to point out that the Hong Kong society is currently facing a critical situation and extremely difficult political environment after the end of the "Occupy Movement"; and state frankly the challenge in obtaining the endorsement of the constitutional development package. The foreword is the sincere and heartfelt thoughts on my part, as well as on the part of the Secretary for Justice and the Secretary for Constitutional and Mainland Affairs.

8. As stated in the foreword, at present, public opinions regarding constitutional development are becoming polarised. One group of views advocates the implementation of universal suffrage for the CE election in the HKSAR in accordance with the law in 2017, so that Hong Kong's constitutional development can take a big step forward, and insists that there should not be an impasse. This group considers that the Decision should be respected, and that we should make the best use of the room within the Decision to achieve maximum consensus when designing the specific method for selecting the CE by universal suffrage. Another group of views refuses to accept the Decision, and thereby negate the first two completed steps of the "Five-step Process". They demand, as a prerequisite for further discussion, a restart of the entire process, or the acceptance of "civic nomination" which is inconsistent with the Basic Law, or the abolition of functional constituency elections for the LegCo before implementation of universal suffrage for the CE election in 2017.

9. Regardless of which view you hold, we would like to state at the commencement of the consultation, the following three points concerning the HKSAR Government's position and views.

10. Firstly, as we have repeatedly stressed, constitutional development must be built on the basis of the Basic Law and the Decision, otherwise it would only be futile and impractical, and the aim of universal suffrage for the CE election would only become a "castle in the air".

11. Secondly, it is the common aspiration of the Central Authorities, the HKSAR Government, and the general public in Hong Kong to implement universal suffrage for the CE election in 2017. The determination and sincerity of the Central Authorities and the HKSAR Government to take forward universal suffrage is beyond doubt. Whether or not universal suffrage for the CE election could be implemented as intended in 2017, however, depends on whether the community accepts to complete the "Five-step Process" within the framework of the Basic Law and the Decision. We appeal to the whole community to take full advantage of the opportunity in the second stage consultation to express clearly the aspiration to implement universal suffrage for the CE election in 2017, as well as to explore possible room and to forge consensus within the framework of the Decision.

12. Thirdly, the package of proposals for universal suffrage of the CE election has to be endorsed by a two-thirds majority of all the Members of the LegCo. This is a crucial step, and is the most difficult step in the "Five-step Process". I hope and believe that as representatives of the public, LegCo Members would ultimately cast their votes in accordance with the overall aspiration of the community irrespective of their political affiliation or their own political stance.

13. Mr President, implementing universal suffrage for the CE election is politically the most difficult task since the return of Hong Kong to the Motherland 17 years ago. Not only does it concern Hong Kong's constitutional development, it is also a challenge for the entire Hong Kong as to whether we can restore our community which is divided and full of quarrel, back to a community with political morals and culture which seeks to build common ground whilst respecting differences, and which is rational and inclusive; and at the same time maintains the mutual trust between the Central Authorities and the HKSAR under the principle of "One Country, Two Systems". At this critical juncture, we hope that the community could display mutual understanding and acceptance in a rational manner, and commence discussion having regard to the overall situation and the need to

forge consensus.

14. In respect of the request of certain groups and persons for “revocation of the Decision” and “restart of the public consultation on constitutional development”, I must stress again that this is impractical and impossible, and could not enable implementation of universal suffrage for the CE election in 2017. As far as constitutional procedures are concerned, we have already completed the Second Step of the “Five-step Process” for amending the method for selecting the CE. The next step is for the HKSAR Government to introduce to the LegCo a proposal and strive for endorsement by a two-thirds majority of all the LegCo Members. Therefore, there is no such “revocation of the Decision” in the constitutional procedures. Moreover, according to the Decision, if the specific method for universal suffrage for the CE election could not obtain endorsement in accordance with the relevant statutory procedures, the method for selecting the CE in 2017 shall continue to adopt the method for selecting the CE in 2012. Hence, there is also no such room for “restart of the public consultation on constitutional development”.

### **Issues of the Second Round Public Consultation**

15. In accordance with the Basic Law and the framework under the Decision, the Consultation Document sets out the following four key issues on the specific method for selecting the CE by universal suffrage to consult the public:

first, the composition and formation method of the Nominating Committee (“NC”);

second, the procedures for the NC to nominate CE candidates;

third, voting arrangements for selecting the CE by universal suffrage; and

fourth, other related issues for the selection of the CE by universal suffrage.

### **Composition and Formation Method of the Nominating Committee**

16. According to the Decision, the provisions concerning the number of members, composition and formation method of the nominating

committee shall be made in accordance with the number of members, composition and formation method of the Election Committee for the Fourth CE. The delimitation of the various sectors, the organisations in each sector eligible to return members and the number of such members to be returned by each of these organisations shall be prescribed by the electoral law enacted by the HKSAR, and the committee members shall be elected by corporate bodies in various sectors on their own in accordance with the number of seats allocated and the election method as prescribed by law.

17. As the Decision already stipulates that the number of members of the NC shall be 1 200, composed of 300 members in each of the four sectors, and maintain the existing method for selecting the members as provided for in Annex I to the Basic Law, depending on whether there is sufficient support, appropriate adjustments to the composition of subsectors under the four sectors of the NC, the number of members of each subsector, and the electorate base of such subsectors may be made during the stage of enacting local legislation.

18. In considering the aforesaid question, we should also consider whether such adjustments are practicable, whether the NC would remain broadly representative, materialise equal participation of all sectors, be conducive to maintaining the capitalist system, and facilitate subsectors to elect persons who could genuinely represent their subsectors; besides, the wish of each subsector should be respected and widespread support from the relevant subsectors should be obtained, otherwise politically it would be difficult to forge consensus, let alone to obtain the endorsement of the LegCo.

### **Procedures for the Nominating Committee to Nominate Chief Executive Candidates**

19. According to the Decision, the NC shall nominate two to three candidates for the office of CE in accordance with democratic procedures. Each candidate must have the endorsement of more than half of all the NC members. In designing the nominating procedures, we have to ensure that each NC member shall have equal right, and that persons meeting the statutory eligibility requirements shall enjoy an equal right to seek nomination by the NC.

20. In designing the specific nominating procedures, we also have to consider whether to divide the procedures for the NC to nominate CE candidates into the stage of “members recommendation” and the stage of

“committee nomination”; as well as to adopt a threshold which is lower than the current one, and highly transparent nominating procedures, so as to make the nominating procedures more competitive. The operation of the NC should be transparent, and we should consider how to provide an appropriate platform for persons seeking nomination so that they would have equal and adequate opportunities to explain their manifestoes and missions to all the members of the NC or even the public in order to seek their support. These proposed arrangements are intended to advance the competitive atmosphere and active involvement of the public from the universal suffrage stage to the nomination stage of the election.

21. As for the method of voting for the NC to nominate two to three CE candidates, since all candidates have to obtain the endorsement of more than half of all the members of the NC, the Consultation Document puts forward the options of “one person, three votes”, “one person, two to three votes”, “one person, maximum three votes”, and “voting on each person seeking nomination” for consideration.

### **Voting Arrangements for Selecting the Chief Executive by Universal Suffrage**

22. When universal suffrage for the selection of the CE is implemented, all eligible electors of Hong Kong could elect the CE-elect by “one person, one vote” from the two to three candidates nominated by the NC. We may consider the following voting arrangements, i.e.:

first, the “first-past-the-post” system;

second, the two-round voting system; and

third, other voting systems, such as the instant runoff system or the supplementary vote system.

### **Other Related Issues for the Selection of the Chief Executive by Universal Suffrage**

23. Regarding the term of office of the NC, we have to consider whether the term of office of the NC shall follow the existing arrangement of the Election Committee, i.e., a five-year tenure; or the term of office of the NC shall terminate upon the swearing in of the CE it has nominated.

24. As for the re-election arrangements if the CE-elect returned by universal suffrage were not appointed by the Central People's Government, we suggest that the existing Chief Executive Election Ordinance should include provisions for a re-election in such circumstances.

25. As regards political affiliation of the CE, since there is currently no law on political parties in Hong Kong, and different sectors of the community have yet to arrive at a clear consensus on the subject, we suggest maintaining the requirement under the existing legislation that the CE should not have any political affiliation.

### **The Way Forward**

26. Various sectors of the community have provided substantive opinions regarding the method of selecting the CE by universal suffrage in the course of the past discussion on constitutional development as well as during the first round public consultation. However, the ultimate proposal of constitutional development would depend on whether relevant suggestions are supported by the public at large, relevant sectors and LegCo Members. The Decision has provided the framework and room for us to discuss the detailed arrangements of the universal suffrage of the CE election. Yet, as regards how much "political space" would there be, I believe that it would require various sectors of the community to create such space with a rational and pragmatic attitude. Having regard to the incidents that have happened not so long ago, we understand that the majority of the public does not support using extreme and illegal means to strive for democracy, and that such approaches will only narrow the "political space". Hong Kong is a society that cherishes the rule of law, and I hope that all of us will cherish this core value of Hong Kong's success and formulate together, in accordance with the law, a constitutional development proposal that is acceptable to Hong Kong society.

27. We must make the best use of the two-month consultation period to focus our discussions. The Government will collate and summarise the views collected during the consultation period as soon as possible with a view to submitting a resolution on the amendments to the method for selecting the CE to the LegCo in the second quarter of this year.

### **Seize the Opportunity of Universal Suffrage**

28. Mr President, finally, I would like to make three points, in the hope



that various sectors of the community will seize this opportunity to implement universal suffrage.

29. First, I particularly appeal to all LegCo Members, especially our friends in the pan-democratic camp, to actively participate in the discussion and not to boycott or veto the constitutional development proposal. The LegCo has a vital constitutional role and responsibility in the constitutional development of Hong Kong. Regardless of their position on constitutional development, people of different political parties and camps look forward to establishing a suitable system of universal suffrage in Hong Kong so that Hong Kong people can, through “one person, one vote”, elect a CE-elect to lead Hong Kong’s future development.

30. All Members in this Chamber have experienced elections and should well understand that in a competitive election, the voice of voters has the most significant impact on the election result. Under the system of universal suffrage, each CE candidate must face all seven million people in Hong Kong to explain his or her election platform and policy vision, and strive for public support. At this stage, any person refusing to participate in the consultation, or even vowing to veto any constitutional development proposal formulated in accordance with the Decision, is tantamount to depriving five million eligible voters of their opportunity to elect the CE by universal suffrage. I believe the general public still hopes they can exercise their right to go to polling stations to cast their votes for the candidates they consider qualified to take up the office of the CE. Hence, I hope Members of the pan-democratic camp will not adopt an unco-operative or even irresponsible attitude and disappoint the public.

31. Second, the Decision provides the “legal space” for us to further explore the specific method for selecting the CE by universal suffrage at the local legislation stage. However, as I have mentioned just now, even if certain “legal space” is available, the “political space” must be created by all of us. I urge all LegCo Members to think twice and not to destroy completely the limited “political space” remaining before the second round public consultation has yet to commence. Some people suggest adopting a negative and unco-operative attitude, or even taking confrontational acts. This would only aggravate social conflict and internal attrition, and cause harm to the constitutional development and well-being of the whole society. I appeal to all LegCo Members, political parties and various sectors of the community to display political courage and wisdom; formulate ideas together and actively participate in the public consultation in the overall interests of Hong Kong; and to put forward specific proposals on the nomination and election procedures in order to make the election more

transparent and competitive.

32. Third, some people worried that if the constitutional development proposal is passed, it would become the “ultimate scheme” which could not be amended any more. This thinking is wrong. The method of selecting the CE after 2017 can still continue to progress in accordance with the constitutional procedures of the “Five-step Process”. I must emphasise that only after the implementation of the universal suffrage for the CE election in 2017, will we have a solid foundation to further promote the democratic development of Hong Kong and improve the system of universal suffrage. If the constitutional development of Hong Kong comes to an impasse, I am afraid it would be difficult to know whether when we can move forward in the implementation of a system of universal suffrage that complies with the Basic Law and the Decision in the foreseeable future.

33. Moreover, if the proposal of selecting the CE by universal suffrage in 2017 is vetoed, it will also eliminate the chance of forming the LegCo by universal suffrage in 2020. The result is that we may only have the chance to achieve universal suffrage of the CE election in 2022 at the earliest, and that forming the LegCo by universal suffrage will be deferred for years. The democratic development in Hong Kong will suffer delay again. I earnestly urge all of you, for the future of Hong Kong, to take a pragmatic approach and lead Hong Kong to the road to universal suffrage. I strongly believe that universal suffrage will bring fundamental changes to the political ecosystem and culture of governance in Hong Kong.

## **Conclusion**

34. Mr President, I made a Statement in this Council to kick start the first round public consultation on constitutional development about a year ago. I said that we had formally stepped onto the straight road of welcoming universal suffrage. The incidents over the past 13 months tell us how tough this “road to universal suffrage” is and how difficult it is to move on.

35. After Hong Kong has experienced more than two months of the “Occupy Movement” and different types of unco-operative and boycott actions, many of my friends feel extremely pessimistic as to whether the proposal of universal suffrage of the CE election can be passed. Nevertheless, the Task Force and the Government team will continue to hold a firm belief; make every effort to conduct the public consultation; face the community at large with an open mind, listen to the opinions of the public and explain the

Government's proposals; and actively strive for the LegCo's endorsement of the constitutional development proposal. Even though the road ahead is hard, we will make our best endeavors until the last moment.

36. Mr President, implementation of universal suffrage of the CE election in 2017 as scheduled and according to the law will be another important milestone for implementing the principle of "One Country, Two Systems", and will have far-reaching significance and impact on our country and Hong Kong. Now, there is a golden opportunity in front of us: once universal suffrage is implemented, we will not lose it; the electoral system will continue to improve and democratic development will continue to move on. This is a solemn commitment made in the Decision. Universal suffrage for the CE election in 2017 is the aspiration of the community. This is also the right of five million eligible voters. Whether the constitutional development of Hong Kong can take this big step forward or suffer a stand still in 2017; whether the CE will be elected by the five million eligible voters or by 1 200 persons – this historic decision rests with every Member in this Chamber.

37. Mr President, our Honourable LegCo Members and members of the public, "2017: Seize the Opportunity".

38. Thank you, Mr President.