

Legislative Council Panel on Constitutional Affairs
“Public Sentiments Report”

Introduction

This paper briefs members on the latest situation regarding the “Public Sentiments Report”.

Background

2. Article 45 of the Basic Law provides that “[t]he 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. The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures.”

3. The Interpretation by the Standing Committee of the National People’s Congress (NPCSC) of Article 7 of Annex I and Article III of Annex II to the Basic Law provided for the “Five-step” constitutional process of constitutional development. Subsequently, the Decision adopted by the NPCSC on 29 December 2007 sets out the timetable for universal suffrage in Hong Kong: the election of the fifth Chief Executive (CE) of the Hong Kong Special Administrative Region (HKSAR) in the year 2017 may be implemented by the method of universal suffrage. Between December 2013 and May 2014, the Government conducted a five-month public consultation to collect views widely from various sectors of the community on the related issues regarding the methods for selecting the CE in 2017 and for forming the Legislative Council (LegCo) in 2016. The Report on the Public Consultation on the Methods for Selecting the Chief Executive in 2017 and for Forming the Legislative Council in 2016, published on 15 July 2014, objectively and truthfully reflects the views received from different groups and individuals from various sectors of the community during the five-month consultation period; the Report also makes public the some 124 700 submissions

received which have been submitted to the NPCSC for reference. The Report to the NPCSC submitted by the CE on the same day also included views from the Hong Kong community since the conclusion of the public consultation in early May this year.

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). The Decision marks the completion of the Second Step of the "Five-step" constitutional process of constitutional development, and formally determines that universal suffrage for the CE election through "one person, one vote" may be implemented starting from 2017. After the NPCSC has adopted the Decision, there were different reactions in the Hong Kong community regarding the contents of the Decision.

Recent Developments

5. Since the end of September this year, some groups and persons initiated a movement to exert pressure on the Central Authorities and the HKSAR Government through occupying the roads illegally, and requested the revocation of the Decision adopted on 31 August, as well as the acceptance of a set of suggestions and ideas regarding constitutional development put forward by them. In response to certain views in the community that the problem should be addressed through dialogues, members of the Task Force on Constitutional Development (Task Force), including the Chief Secretary for Administration, the Secretary for Justice, and the Secretary for Constitutional and Mainland Affairs, together with the Director of Chief Executive's Office and the Under Secretary for Constitutional and Mainland Affairs, had a two-hour dialogue with representatives of the Hong Kong Federation of Students (HKFS) on 21 October regarding constitutional development. At the meeting, the Government made the following four responses:

- (i) under the framework of the NPCSC's Decision, there is still room for discussion on a number of issues for the specific method for selecting the CE by universal suffrage. The HKSAR Government hopes that during the next round of public consultation, the community could work together to devise a fair, just, transparent and competitive method for selecting the CE by universal suffrage;
- (ii) the method for selecting the CE by universal suffrage in 2017 is not an "endgame" model; the system could be further improved in light of the actual situation in Hong Kong;
- (iii) the Government is willing to explore the possibility of establishing a platform involving different sectors of the community to discuss constitutional development of Hong Kong, particularly the arrangements beyond the year 2017; and
- (iv) the Government would consider the possibility of compiling a "Public Sentiments Report", outside the "Five-step" constitutional process, to be submitted to the Hong Kong and Macao Affairs Office of the State Council (HKMAO), to reflect the views regarding constitutional development and related events from different sectors of the community since 31 August.

6. Although the Government has shown sincerity through the dialogue and has made specific responses, the stance of the HKFS further toughened after the meeting by openly rejecting the four responses made by the Government, and expressing that there was no room for dialogue with the Government.

7. Objectively speaking, the suggestion of the Government submitting a "Public Sentiments Report" to the HKMAO has been rejected by the HKFS. Meanwhile, through different channels, the Central People's Government is in full knowledge of the developments in Hong Kong since the Decision was adopted by the NPCSC on 31 August.

8. As mentioned above, the “Public Sentiments Report” will not constitute a part of the “Five-step” constitutional process, and may contain:

- (i) incidents in Hong Kong related to constitutional development since 31 August this year;
- (ii) aspirations expressed publicly by different groups since 31 August this year, including public statements issued and signature campaigns organised by different groups; and
- (iii) opinion polls conducted and published by different organisations during the period.

9. At this stage, the Administration has not yet decided the timing for the submission of the “Public Sentiments Report”.

Constitutional and Mainland Affairs Bureau
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