

**LC Paper No. CB(2)435/14-15(08)****Press Releases**

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LCQ5: Submission of reports on constitutional development to the Central People's Government

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Following is a question by the Hon Kwok Ka-ki and a reply by the Acting Secretary for Constitutional and Mainland Affairs, Mr Lau Kong-wah, in the Legislative Council today (November 12):

Question:

On July 15 this year, the Chief Executive (CE) made a report to the Standing Committee of the National People's Congress (NPCSC) on whether there is a need to amend the methods for selecting CE of the Hong Kong Special Administrative Region (HKSAR) in 2017 and for forming the Legislative Council (LegCo) of HKSAR in 2016 (the July 15 Report) in accordance with the Interpretation by NPCSC of Article 7 of Annex I and Article III of Annex II to the Basic Law of HKSAR of the People's Republic of China (the Interpretation). After considering the aforesaid report, NPCSC made a decision on August 31 on issues relating to the selection of CE by universal suffrage and the method for forming LegCo in 2016. Many members of the public have occupied roads in a number of districts since September 28 to fight for the selection of CE by universal suffrage in 2017 (the occupation movement). On October 21, government officials had a dialogue with representatives of the Hong Kong Federation of Students. At the meeting, the Chief Secretary for Administration said that the SAR Government would submit a public sentiment report regarding constitutional development to the Hong Kong and Macao Affairs Office of the State Council. In this connection, will the Government inform this Council:

(1) of the legal and policy bases for the authorities submitting the public sentiment report; whether they have assessed if such an action complies with the requirements on amending the methods for selecting CE and forming LegCo as set out in the Interpretation; if the assessment outcome is in the affirmative, of the details; what the authorities expect the submission of the public sentiment report will accomplish, including whether it will facilitate a peaceful conclusion of the occupation movement;

(2) which government officials are responsible for drafting the public sentiment report; when the report will be completed; how the authorities ensure that the report will fully reflect the public opinions in Hong Kong and NPCSC will go along with the wishes of the public when making decisions on the constitutional development of Hong Kong; and

(3) whether CE will, in response to the public aspiration for the selection of CE by universal suffrage in 2017, re-submit the July 15 Report after making amendments or a supplement to it; if he will, of the details; if not, the reasons for that?

Reply:

President,

On July 15, 2014, the HKSAR Government published the Report on the Public Consultation on the Methods for Selecting the Chief Executive in 2017 and for Forming the Legislative Council in

2016, to objectively and truthfully reflect the views received from different groups and individuals from various sectors of the community during the five-month consultation period. On the same day, the Chief Executive (CE) submitted his report to the Standing Committee of the National People's Congress (NPCSC) to invite the NPCSC to make a determination on whether there is a need to amend the methods for selecting the CE in 2017 and for forming the Legislative Council (LegCo) in 2016, and formally kick-started the "Five-step Process" of constitutional development. On August 31, 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), which marks the completion of the Second Step of the "Five-step Process" of constitutional development. The Decision formally determines that universal suffrage for the CE election through "one person, one vote" could be implemented starting from 2017.

Officials from the Central Authorities have repeatedly reiterated that they attach great importance to the constitutional development of the HKSAR, and have been keeping abreast of the opinions and sentiments of the community in Hong Kong, including the different views and opinions of different sectors of the community since the Decision was adopted by the NPCSC.

Our reply to the questions raised by Dr the Hon Kwok is as follows:

(1) 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 on October 21, 2014. At the meeting, the HKSAR Government indicated that, without prejudice to the provisions of the Basic Law, and outside the "Five-step" constitutional process, we were willing to submit a "Public Sentiments Report" to the Hong Kong and Macao Affairs Office of the State Council, to objectively and truthfully reflect the aspirations and opinions regarding constitutional development expressed by different sectors of the community and the related social movement since August 31.

(2) The "Public Sentiments Report" will be drafted and submitted in the name of the Task Force. We will endeavour to include the different aspirations and opinions from different sectors of the community that have been publicly expressed through various channels, including relevant opinion polls and signature campaigns conducted by different organisations.

In adopting the Decision on August 31, the NPCSC had stated that the Decision was made after having considered thoroughly the report submitted by the CE, as well as the views from different sectors of the community.

(3) As mentioned above, the HKSAR Government will only submit one "Public Sentiments Report", which will not constitute a part of the "Five-step" constitutional process. For the next step, the HKSAR Government will conduct a second round public consultation in accordance with the Decision adopted by the NPCSC on August

31, and submit at an appropriate juncture to the LegCo a resolution to amend Annex I to the Basic Law, with a view to securing a two-thirds majority approval of the LegCo, so that the HKSAR could implement universal suffrage for the CE election through "one person, one vote" in 2017.

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