

**立法會**  
**Legislative Council**

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**Panel on Constitutional Affairs**

**Background brief prepared by the Legislative Council Secretariat  
for the meeting on 19 January 2015**

**Method for selecting the Chief Executive in 2017 and related issues**

**Purpose**

This paper summarizes the issues raised by Members of the Legislative Council ("LegCo") regarding the method for selecting the Chief Executive ("CE") in 2017 and related issues including the method for forming LegCo in 2016.

**Background**

2. Article 45 of the Basic Law ("BL") provides that CE of the Hong Kong Special Administrative Region ("HKSAR") shall be selected by election or through consultations held locally and be appointed by the Central People's Government ("CPG"). The method for selecting CE shall be specified in the light of the actual situation in HKSAR and in accordance with the principle of gradual and orderly progress. The ultimate aim is the selection of CE by universal suffrage upon nomination by a broadly representative nominating committee ("NC") in accordance with democratic procedures.

3. According to the Decision of the Standing Committee of the National People's Congress ("NPCSC") in 2007, "the election of the fifth Chief Executive of the Hong Kong Special Administrative Region in the year 2017 may be implemented by the method of universal suffrage; 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."

4. According to the Decision of NPCSC in 2007, in selecting CE by the method of universal suffrage, a broadly representative NC shall be formed. NC may be formed with reference to the current provisions regarding the Election Committee ("EC") in Annex I to BL. NC shall in accordance with democratic procedures nominate a certain number of candidates for the office of CE, who is to be elected through universal suffrage by all registered electors of HKSAR, and to be appointed by CPG.

5. The Interpretation of NPCSC in 2004 and the Decision in 2007 also stipulate that if no amendment is made to the method for selecting CE in accordance with the legal procedures, the method for selecting CE used for the preceding term shall continue to apply.

*Existing method for selecting CE*

6. According to the Amendment to Annex I<sup>1</sup> to BL approved by NPCSC on 28 August 2010, the EC to elect the fourth term CE in 2012 shall be composed of 1 200 members from four sectors. Candidates for the office of CE may be nominated jointly by not less than 150 members (i.e. one-eighth) of EC, and there is no cap on the number of candidates to be nominated. Each member of EC may nominate only one candidate.

7. The CE Election Ordinance (Cap. 569) stipulates, in accordance with the provisions of Annex I to BL and the above Amendment, the detailed statutory requirements and procedures for the election of CE, including the composition of EC. The four sectors of EC are constituted by 38 subsectors (**Appendix I**). A candidate shall be elected as CE only if the candidate obtains more than 600 valid votes.

**Procedures for amending the methods for selecting CE and for forming LegCo**

8. The specific methods for selecting CE and for forming LegCo are specified in Annexes I and II to BL respectively. If there is a need to amend the method for selecting CE for the terms subsequent to the year 2007, such amendments must be made with the endorsement of a two-thirds majority of all LegCo Members and the consent of CE and be reported to NPCSC for approval. Any amendments made to the method for forming LegCo after 2007 must be made with the endorsement of a two-thirds majority of all LegCo Members and the consent of CE and be reported to NPCSC for the record.

9. On 6 April 2004, NPCSC adopted the "Interpretation of Article 7 of Annex I and Article III of Annex II to the Basic Law" ("the Interpretation"). Clause 3 of the Interpretation states that CE shall make a report to NPCSC as regards whether there is a need to amend the methods for selecting CE and for forming LegCo for the terms subsequent to the year 2007 as stipulated in Annexes I and II to BL; and NPCSC shall, in accordance with BL 45 and BL 68, make a determination in the light of the actual situation in HKSAR and in accordance with the principle of gradual and orderly progress. After an amendment has been endorsed by LegCo

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<sup>1</sup> The specific method for selecting CE is prescribed in Annex I to BL: "Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region".

and has received the consent of CE, it will still require the approval or acceptance for the record by NPCSC before it may take effect.

10. According to the Administration, in accordance with BL and the Interpretation of NPCSC in 2004, the procedures for amending the methods for the selection of CE and for the formation of LegCo (also known as "5-Step Process of Constitutional Development") are as follows –

Step One : CE shall make a report to NPCSC as to whether there is a need to amend the method of selection/formation;

Step Two : A determination shall be made by NPCSC on whether any amendment to the method of selection/formation may be made;

Step Three: The motions on the amendments to the method for selecting CE/method for forming LegCo shall be introduced by HKSAR Government to LegCo, and be endorsed by a two-thirds majority of all Members of LegCo;

Step Four : Consent shall be given by CE to the motions endorsed by LegCo; and

Step Five : The relevant amendments to Annex I and Annex II to BL shall be reported by CE to NPCSC for approval or for the record.

### **Consultation Document on Methods for Selecting CE in 2017 and for Forming LegCo in 2016 ("Consultation Document")**

11. Following CE's announcement on 17 October 2013 of the setting up of the Task Force on Constitutional Development ("Task Force") led by the Chief Secretary for Administration ("CS"), the above Consultation Document was published on 4 December 2013. At the Council meeting of 4 December 2013, CS made a statement and announced the commencement of a five-month public consultation exercise. The consultation period ended on 3 May 2014.

### **CE's Report to NPCSC and constitutional development public consultation report**

12. On 15 July 2014, CE submitted to NPCSC his report on whether there is a need to amend the methods for selecting CE of HKSAR in 2017 and for forming LegCo of HKSAR in 2016. Concurrently, the Administration published the Report on the Public Consultation on the Methods for Selecting CE in 2017 and for Forming LegCo in 2016 ("Consultation Report").

13. According to the Administration, CE, in the light of the results of the public consultation, has come to the view that the community of Hong Kong generally hopes that universal suffrage for the CE election could be implemented in 2017 first, so that over five million eligible voters in Hong Kong could elect the next CE through "one person, one vote" in 2017, thereby taking an important step forward in the constitutional development of Hong Kong. CE has concluded and recommended that "there is a need to amend the method for selecting the CE in 2017 in order to attain the aim of universal suffrage. Annex II to the Basic Law concerning the method for forming the LegCo in 2016 needs not be amended."

14. In accordance with BL 45 and 68<sup>2</sup>, and the Interpretation adopted by NPCSC in 2004, CE invited NPCSC to determine whether there is a need to amend the methods for selecting CE in 2017 and for forming LegCo in 2016.

### **The NPCSC Decision on 31 August 2014**

15. After considering the CE's Report, NPCSC made a decision on 31 August 2014 on issues relating to the selection of CE by universal suffrage and on the method for forming LegCo in 2016. The relevant papers on the NPCSC Decision and the explanations on the draft Decision were issued to Members on 31 August 2014 [LC Paper No. CB(2)2243/13-14(01) and (02)]. The key points of the NPCSC Decision include –

- (a) starting from 2017, the selection of CE may be implemented by the method of universal suffrage;
- (b) provisions for the number of members, composition and formation method of NC shall be made in accordance with the number of members, composition and formation method of EC for the Fourth CE;
- (c) 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 members of NC;

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<sup>2</sup> BL 68 stipulates that:

"The Legislative Council of the Hong Kong Special Administrative Region shall be constituted by election.

The method for forming the Legislative Council 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 election of all the members of the Legislative Council by universal suffrage.

The specific method for forming the Legislative Council and its procedures for voting on bills and motions are prescribed in Annex II: 'Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and Its Voting Procedures'.

- (d) all eligible voters of HKSAR have the rights to vote in the CE election and elect one of the candidates for the office of CE in accordance with law;
- (e) the CE-elect, after being selected through universal suffrage, will have to be appointed by CPG; and
- (f) the existing formation method and voting procedures for LegCo as prescribed in Annex II to BL will not be amended. The formation method and procedures for voting on bills and motions of the Fifth LegCo will continue to apply to the Sixth LegCo in 2016.

### **Issues raised by Members regarding the methods for selecting CE in 2017 and for forming LegCo in 2016**

16. Since the Fifth LegCo, four motion debates on constitutional reform had been held at the Council meetings of 20 February 2013, 29 May 2013, 12, 20 and 26 November 2014 respectively<sup>3</sup>. After the release of the Consultation Document on 4 December 2013, the Panel on Constitutional Affairs ("the Panel") held three meetings to discuss the Consultation Document and receive views from the public.

17. Upon release of the CE's Report to NPCSC and the Consultation Report on 15 July 2014, the House Committee held a special meeting on the same day to discuss the two reports. The Panel also discussed the two reports at its meeting on 21 July 2014. The major issues raised by Members at these meetings are summarized in paragraphs 18 to 41.

#### *Procedures for nominating candidates for the office of CE*

18. Some Members considered that when formulating proposals on the election of CE in 2017, it had to be ensured that the rights to make nomination, to stand for election and to vote conformed to the principles of universal and

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<sup>3</sup> At the Council meeting of 20 February 2013, Hon Ronny TONG moved a motion urging the Government to expeditiously commence extensive consultation on implementing dual universal suffrage and, before the submission by CE of a report on constitutional reform to NPCSC, to allow sufficient time for the general public to discuss the contents of the report. At the Council meeting of 29 May 2013, Hon Alan LEUNG moved a motion on the democratic procedures for the election of CE by universal suffrage in 2017. At the Council meeting of 12 November 2014, Hon WONG Yuk-man moved a motion on "Devising the constitution by all people, making a new covenant, and realizing genuine 'Hong Kong people ruling Hong Kong'". These motions were all negatived. At the Council meeting of 20 November 2014, Hon Ronny TONG moved a motion urging the Government to expeditiously put forward a practical and feasible constitutional reform package on the democratic procedures for the election of CE by universal suffrage in 2017. The motion was passed.

equal suffrage stipulated in Article 25 of the International Covenant on Civil and Political Rights ("ICCPR")<sup>4</sup>. They stressed that for the selection method to be regarded as "genuine universal suffrage", there must be "no screening" in the procedures for nominating candidates for the office of CE. To this end, some Members considered that the public should have the right to make nomination. It was suggested that any person jointly endorsed by a certain number of electors and upon verification by NC could be a candidate for the office of CE. Some other Members, however, considered that civic nomination was inconsistent with BL. They took the view that it was wrong to interpret the right to make nomination by NC stipulated by BL merely as a kind of verification right.

19. The Task Force stressed that the consultation on the method for selecting CE by universal suffrage had to be conducted strictly in accordance with BL and the relevant Interpretation and Decisions of NPCSC. The Task Force highlighted that under BL 45, "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". It was clear from BL 45 that the power to nominate CE candidates was vested in NC only, and that the power was a substantive one. Any proposal which bypassed the nomination procedures of NC or undermined the substantive power of NC to nominate candidates might be inconsistent with BL 45.

20. Some Members expressed dissatisfaction with the Task Force's raising the question *'how could the "democratic procedures" reflect the requirement of "organizational nomination"?' in the Consultation Document*. They pointed out that the expression "organizational nomination" had only been mentioned by Mr QIAO Xiaoyang, Chairman of the Law Committee of the National People's Congress, and there was no such a procedure called "organizational nomination" in the previous CE elections or in BL. They questioned how this new form of "organizational nomination" could enable voters to have a genuine choice of candidates in the CE election and the basis of such concept. The Task Force explained that the electoral system in each jurisdiction invariably imposed certain restrictions. The Task Force advised that in devising a model for implementing universal suffrage on the basis of BL and the relevant Interpretation and Decisions of NPCSC, the Administration would seek to ensure that there would be no unreasonable restrictions in the electoral system.

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<sup>4</sup> Article 25(b) of ICCPR provides that every citizen shall have the right and the opportunity to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors. When the Government of the United Kingdom extended ICCPR to Hong Kong in 1976, the following reservation was added –

"The Government of the United Kingdom reserve the right not to apply sub-paragraph (b) of Article 25 in so far as it may require the establishment of an elected Executive or Legislative Council in Hong Kong ..."

21. After the release of the CE's report and the Consultation Report, some Members expressed strong dissatisfaction that the two reports failed to respond to the strong demand in the community that there must be "no screening" in the procedures for nominating candidates for the office of CE. The Task Force advised that the Government aimed to come up with a proposal which could be implemented from the legal perspective and was supported by Hong Kong people. The Task Force considered that to achieve this, the discussion had to be based on the legal framework constituted by BL, which had stipulated that the power to nominate was vested in NC only. The Task Force pointed out that the issue of how NC should nominate CE candidates in accordance with "democratic procedures" was the most controversial subject, and different views had been received during the public consultation period. The Consultation Report therefore did not conclude that there was a mainstream view on the issue, which would require more efforts to be made at the next stage of public consultation in order to forge a consensus.

#### *Composition of NC*

22. Some Members expressed the view that, if the EC to elect the fourth term CE was adopted as the basis to form NC, consideration could be given to making some adjustments to the current composition of EC. For example, the number of members of the Agriculture and Fisheries Subsector should be reduced and the electorates for certain Subsectors (e.g. Financial Services) should be expanded, in order to enhance the representativeness of the future NC.

23. During discussions on the CE's report to NPCSC and the Consultation Report, some Members expressed concern that the existing method of selecting CE by EC had long been criticized as a small-circle election and that EC was just used as a tool to ordain who was to be elected as CE. These Members considered that people were worried that NC, if formed by following the same framework of four sectors<sup>5</sup> of EC, would also be used to ordain who could be CE candidates for voters to vote on.

24. The Task Force advised that EC comprised of members drawn from many different sectors and was regarded as broadly representative. It had enabled balanced participation of various strata and sectors, and this was one of the four

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<sup>5</sup> EC is composed of 1 200 members from the following four sectors –

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| - Industrial, commercial and financial sectors   | 300 |
| - The professions  | 300 |
| - Labour, social services, religious and other sectors   | 300 |
| - Members of LegCo, representatives of district-based organizations, Hong Kong deputies to NPC, and representatives of Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference | 300 |

major principles on constitutional development under BL. Some Members considered that there were merits in forming NC by following the same framework of the four sectors of EC in order to facilitate the development of the capitalist economy of HKSAR. These Members considered that constitutional development should proceed in accordance with the principle of gradual and orderly progress, and the electoral method for the CE election in 2017 would not be the ultimate model but could be further refined.

*Number of CE candidates*

25. Some Members pointed out that the 2007 NPCSC Decision had only mentioned that NC would have to "nominate a certain number of candidates for the office of CE". The literal meaning of "a certain number" was that the number only had to be plural. These Members pointed out that the Decision of NPCSC in 2007 did not require the HKSAR Government to define "a certain number" mentioned in that Decision as a specific number. They considered that the Administration's attempt to define "a certain number of candidates" as a specific figure was intended to impose a restriction for screening purpose.

26. Some other Members, however, supported capping the number of CE candidates to be nominated both from the legal and the practical points of view. They said that based on the experience of the 2012 LegCo Election, too many candidates had resulted in chaos in some of the election forums. While some candidates had complained being given inadequate time to articulate on their election platforms, electors had also complained being unable to understand some candidates' views due to the limited time allocated to each candidate.

27. The Task Force explained that the Decision of NPCSC in 2007 had stipulated that "The nominating committee shall in accordance with democratic procedures nominate a certain number of candidates for the office of the Chief Executive,...". As the Decision was binding, the Task Force was obliged to consider the issue. The Task Force also advised that in considering this issue, it had to also consider whether a candidate had sufficient public acceptance, whether a fair chance was given to people who were interested in running for election, and whether the competitiveness of the election was ensured.

*Principles of universal and equal suffrage in Article 25 of ICCPR*

28. Some Members took the view that the implementation of universal suffrage in Hong Kong should conform to the principles of universal and equal suffrage stipulated in Article 25 of ICCPR. They pointed out that the United Nations Human Rights Committee had already reiterated its view in its concluding observations issued after consideration of the HKSAR's reports under ICCPR that the electoral system for the formation of LegCo did not meet the



requirements of Article 25 of ICCPR and, once direct election was introduced into LegCo, the reservation made in respect of Article 25(b) would no longer apply. The Administration advised that ICCPR did not seek to impose any specific electoral system. Hong Kong would attain universal suffrage because of BL, and not ICCPR. The Administration also pointed out that in the case of *Chan Yu Nam v Secretary for Justice* (HCAL32/2009 and HCAL55/2009) in 2009, the High Court had ruled that the reservation made in respect of Article 25(b) continued to apply to HKSAR.

29. The Task Force advised that the design and establishment of any political structure had to have regard to the historical background of the relevant place, and with the constitutional basis and the characteristics of that place as the foundation. Therefore, in the discussion of the methods for selecting CE by universal suffrage in 2017 and for forming LegCo in 2016, it was necessary to consider the historical background of the establishment of HKSAR, understand the unique constitutional status of HKSAR, and comprehend the legal framework based on BL and the relevant Interpretation and Decisions of NPCSC.

*Retention and abolition of functional constituencies ("FCs")*

30. Some Members considered that FC seats should be abolished in one go in 2016 and, if not, the Administration should provide the roadmap for attaining the abolition of these seats altogether in 2020. Some other Members, however, considered that FC system had its value and should be retained. They considered that implementing universal suffrage for LegCo elections did not necessarily mean that FC seats had to be abolished and only direct geographical constituency ("GC") elections were held. They suggested that FCs could be retained provided that the principles of universality and equality were complied with in the design of how Members should be returned through FC elections.

31. The Task Force explained that according to the 2007 NPCSC Decision, after CE was selected by universal suffrage, the election of LegCo could be implemented by the method of electing all the Members by universal suffrage. The selection of CE by universal suffrage was accordingly a pre-condition for the election of all Members of LegCo by universal suffrage. Therefore, election of all Members by universal suffrage would not be implemented in the 2016 LegCo Election. The Task Force also advised that it would be for the fifth term Government to deal with the universal suffrage model for LegCo in 2020.

32. Some Members considered that the new District Council ("DC") (second) FC should be abolished, while some other Members suggested that the Administration should consult the public on the retention or abolition of this new FC. The Administration advised that it had no pre-conceived position and

welcomed views and suggestions from members of the community on the way forward of the new DC (second) FC.

33. During discussions on CE's Report to NPCSC and the Consultation Report, some Members expressed dissatisfaction with the recommendation by CE in his Report to NPCSC that "Annex II to the Basic Law concerning the method for forming the LegCo in 2016 needs not be amended". These Members pointed out that the community had a strong call for abolition of FCs in 2016 and, if not, at least amending the current half-and-half ratio of Members from FCs and GCs through direct elections by increasing the number of directly elected GC seats. These Members queried whether CE's current recommendation, which meant that the method for forming LegCo would come to a standstill in 2016, might contravene BL 68 which provided that "the method for forming the Legislative Council 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".

34. The Task Force advised that based on the views collected, the public generally agreed that since the successful implementation of universal suffrage of CE election in 2017 was a pre-condition for the election of all Members of LegCo by universal suffrage, efforts should be focused on the proper handling of universal suffrage for the CE election in 2017. Moreover, as relatively substantial amendments had been made to the method for forming LegCo in 2012, it was generally agreed that there was no need to amend Annex II to BL regarding the method for forming LegCo in 2016. The Task Force advised that it was clearly stipulated in BL 68 that "the actual situation in the Hong Kong Special Administrative Region" had to be taken into account as well in considering whether Annex II to BL was to be amended, and "the principle of gradual and orderly progress" did not mean that substantial changes had to be made to the method for forming LegCo in each of its terms. The Task Force advised that certain issues regarding the LegCo electoral arrangements in 2016 could still be dealt with by amending the relevant local legislation provided that such amendments were in compliance with Annex II to BL. Some Members asked when the election of all LegCo Members by universal suffrage could be achieved if Annex II to BL concerning the method for forming LegCo in 2016 would not be amended. The Task Force advised that it would depend on whether universal suffrage could be implemented for CE election in 2017.

#### *Procedures for voting on bills and motions in LegCo*

35. During discussion of the Consultation Document, some Members considered that the issue of split voting procedure under Annex II of BL should have been discussed in the Consultation Document with reference to various scenarios on possible changes to the composition of LegCo. For example, if the proportion of seats returned by direct GC elections was adjusted upward by

reducing the number of FC seats, the retention of the split voting procedure could hardly be justified. These Members also expressed concern as to how universal suffrage of LegCo could be achieved in 2020, if no adjustment was made to the number of FC seats and the split voting procedure in 2016.

36. The Task Force advised that issues relating to the method for forming LegCo in 2016 were set out in chapter 4 of the Consultation Document to facilitate the public to formulate views and proposals. The Task Force pointed out that in line with the established practice, the current term Government would only handle the electoral methods of CE and LegCo of the following term. For the universal suffrage model for LegCo in 2020, it would be for the fifth term Government to deal with it.

37. During discussions on the CE's Report to NPCSC and the Consultation Report, some Members pointed out that since the Reunification in 1997, the pan-democratic camp had been in strong demand for the abolition of the split voting procedure. Moreover, in accordance with the Decision of NPCSC in 2007, the procedures for voting on bills and motions in LegCo only had to remain unchanged for the Fifth LegCo. These Members queried why CE had made the recommendation not to amend Annex II to BL. The Task Force advised that the recommendation was based on the views collected during the five-month public consultation period.

*Timetable on "Five-step Process" in relation to any amendment to the method for selecting CE in 2017*

38. Some Members asked about the timetable on "Five-step Process" in relation to any amendment to the method for selecting CE in 2017. The Task Force advised that based on the views received during the second-round public consultation exercise, the Administration would formulate a package of proposals for the method for selecting CE in 2017. Upon completion of the study of the package by the relevant LegCo committee, the Administration would move a motion to amend Annex I to BL and seek to obtain the endorsement by a two-thirds majority of all Members of LegCo. The relevant amendments to the annex to BL, if endorsed by LegCo and were given consent by CE, would be reported to NPCSC for approval, followed by the introduction of the relevant bill to prescribe the electoral arrangements. The Interpretation of NPCSC in 2004 and the Decision in 2007 also stipulated that if no amendment was made to the method for selecting CE in accordance with the legal procedures, the method for selecting CE used for the preceding term would continue to apply. If that was the case, whether amendments would need to be introduced to the local legislation (i.e. the CE Election Ordinance) would depend on whether technical amendments were required to be made and whether there were issues that could be dealt with by amending the local legislation.

39. The Administration also advised that as the NPCSC Decision adopted on 31 August 2014 confirmed that Annex II to BL needed not be amended, the Administration could proceed to prescribe, under local legislation, the detailed arrangements regarding the method for forming LegCo in 2016. In this connection, the Administration would conduct public consultation on the method for forming LegCo in 2016. According to the Administration, technical amendments to update the electorate of FCs and any other amendment (if necessary) would be incorporated in the LegCo (Amendment) Bill<sup>6</sup>, which would have to be passed by LegCo before the end of the 2014-2015 legislative session, in order that the relevant voter registration work could commence around the autumn of 2015.

*The NPCSC Decision on 31 August 2014*

40. Members belonging to the pan-democratic camp considered that the NPCSC Decision on 31 August 2014 imposed a very restrictive framework on the method for selecting CE in 2017, which included that, when the selection of CE was implemented by the method of universal suffrage, the provisions for the composition of NC would have to be made in accordance with the composition of the existing EC; NC would nominate two to three candidates; and each candidate must have the endorsement of more than half of all the members of NC. Some Members considered that any government proposal based on this framework would not comply with international standards of universal suffrage and give voters genuine choice. Some other Members, however, emphasized the need to discuss the methods for selecting CE in 2017 and for forming LegCo in 2016 on the basis of the legal framework constituted by BL and the relevant Interpretation and Decisions of NPCSC. These Members considered that constitutional development should proceed in accordance with the principle of gradual and orderly progress. They also considered that there were merits in forming NC by following the same framework of the four sectors of EC in order to enable balanced participation and facilitate the development of the capitalist economy of HKSAR.

41. The Administration advised that the NPCSC Decision set out a clear framework on the method for selecting CE by universal suffrage. The Administration stressed that the Decision was made strictly in accordance with BL and constitutional process, and was undisputedly legally effective. The Administration called upon the community to make full use of the room for discussion under BL and the NPCSC Decision in the next round of public

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<sup>6</sup> According to the Legislative Programme 2014-2015, the LegCo (Amendment) Bill is planned to be introduced in the first half of the current legislative session. However, the timing may be adjusted having regard to the public consultation on the method for forming LegCo in 2016.

consultation on the method for selecting CE by universal suffrage, so as to seek common ground and forge consensus in a rational and pragmatic manner, in order to realize the goal of selecting CE by universal suffrage through "one person, one vote" in 2017.

### **Relevant motion debates and questions in Council**

42. A list of relevant motions moved for debate in Council and a list of the relevant LegCo questions are in **Appendices II and III** respectively.

### **Relevant papers**

43. A list of the relevant papers available on the LegCo website is in **Appendix IV**.

Council Business Division 2  
Legislative Council Secretariat  
15 January 2015

## Appendix I

### Composition of the Election Committee

#### First Sector (Industrial, commercial and financial sectors)

|     | <u>Subsector</u>                          | <u>Number of members</u> |
|-----|---|--------------------------|
| 1.  | Catering                                  | 17                       |
| 2.  | Commercial (First)                        | 18                       |
| 3.  | Commercial (Second)                       | 18                       |
| 4.  | Employers' Federation of Hong Kong        | 16                       |
| 5.  | Finance                                   | 18                       |
| 6.  | Financial Services                        | 18                       |
| 7.  | Hong Kong Chinese Enterprises Association | 16                       |
| 8.  | Hotel                                     | 17                       |
| 9.  | Import and Export                         | 18                       |
| 10. | Industrial (First)                        | 18                       |
| 11. | Industrial (Second)                       | 18                       |
| 12. | Insurance                                 | 18                       |
| 13. | Real Estate and Construction              | 18                       |
| 14. | Textiles and Garment                      | 18                       |
| 15. | Tourism                                   | 18                       |
| 16. | Transport                                 | 18                       |
| 17. | Wholesale and Retail                      | 18                       |

#### Second Sector (The professions)

|     | <u>Subsector</u>                      | <u>Number of members</u> |
|-----|---------------------------------------|--------------------------|
| 18. | Accountancy                           | 30                       |
| 19. | Architectural, Surveying and Planning | 30                       |
| 20. | Chinese Medicine                      | 30                       |
| 21. | Education                             | 30                       |
| 22. | Engineering                           | 30                       |
| 23. | Health Services                       | 30                       |
| 24. | Higher Education                      | 30                       |
| 25. | Information Technology                | 30                       |
| 26. | Legal                                 | 30                       |
| 27. | Medical                               | 30                       |

### **Third Sector (Labour, social services, religious and other sectors)**

|     | <u>Subsector</u>                                 | <u>Number of members</u> |
|-----|--|--------------------------|
| 28. | Agriculture and Fisheries                        | 60                       |
| 29. | Labour   | 60                       |
| 30. | Religious*                                       | 60                       |
| 31. | Social Welfare                                   | 60                       |
| 32. | Sports, Performing Arts, Culture and Publication | 60                       |

### **Fourth Sector (Members of the Legislative Council, representatives of members of the District Councils, representatives of the Heung Yee Kuk, Hong Kong deputies to the National People's Congress, and representatives of Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference)**

|     | <u>Subsector</u>                                   | <u>Number of members</u> |
|-----|--|--------------------------|
| 33. | National People's Congress                         | 36                       |
| 34. | Legislative Council                                | 70                       |
| 35. | Chinese People's Political Consultative Conference | 51                       |
| 36. | Heung Yee Kuk                                      | 26                       |
| 37. | Hong Kong and Kowloon District Councils            | 57                       |
| 38. | New Territories District Councils                  | 60                       |

\* The number of members to be nominated by each of the six designated bodies of the religious subsector are as follows:

|    |   | <u>Number of members</u> |
|----|---|--------------------------|
| 1. | Catholic Diocese of Hong Kong                     | 10                       |
| 2. | Chinese Muslim Cultural and Fraternal Association | 10                       |
| 3. | Hong Kong Christian Council                       | 10                       |
| 4. | The Hong Kong Taoist Association                  | 10                       |
| 5. | The Confucian Academy                             | 10                       |
| 6. | The Hong Kong Buddhist Association                | 10                       |

**Relevant motions moved for debate in Council**  
(since First LegCo)

| <b><u>Date of Council meeting</u></b> | <b><u>Motion</u></b>  |
|---------------------------------------|---|
| 15 July 1998                          | Hon Andrew CHENG Kar-foo moved a motion on "Direct elections" for debate in Council. The motion was negatived.  |
| 12 January 2000                       | Hon Emily LAU Wai-hing moved a motion on "Political reform" for debate in Council. The motion was passed.   |
| 14 June 2000                          | Dr Hon LEONG Che-hung moved a motion on "Development of the Hong Kong Special Administrative Region's Political System" for debate in Council. The motion was passed.   |
| 13 March 2002                         | Hon Emily LAU Wai-hing moved a motion on "The Second Chief Executive Election" for debate in Council. The motion was negatived.   |
| 19 February 2003                      | Hon Emily LAU Wai-hing moved a motion on "Public consultation on constitutional reforms" for debate in Council. The motion was negatived.   |
| 21 May 2003                           | Hon Albert HO Chun-yan moved a motion on "Expediently implementing the election of the Chief Executive and All Members of the Legislative Council by universal suffrage" for debate in Council. The motion was negatived. |
| 12 November 2003                      | Hon James TO Kun-sun moved a motion on "Election of the Chief Executive and all Members of the Legislative Council by universal suffrage" for debate in the Council. The motion was negatived.                            |
| 25 February 2004                      | Hon Andrew CHENG Kar-foo moved a motion on "Immediately consulting the public on election by universal suffrage" for debate in Council. The motion was negatived.   |



| <b><u>Date of Council meeting</u></b> | <b><u>Motion</u></b>   |
|---------------------------------------|--|
| 17 March 2004                         | Hon James TO Kun-sun moved a motion on "Respecting and complying with the principles prescribed in the Basic Law" for debate in Council. The motion was negated.   |
| 22 April 2004                         | Hon Frederick FUNG Kin-kee moved a motion to adjourn the Council for the purpose of debating the Report by the Chief Executive of the Hong Kong Special Administrative Region to the Standing Committee of the National People's Congress on whether there is a need to amend the methods for selecting the Chief Executive of the Hong Kong Special Administrative Region in 2007 and for forming the Legislative Council of the Hong Kong Special Administrative Region in 2008. The motion was negated. |
| 5 May 2004                            | Hon Frederick FUNG Kin-kee moved a motion on "Requesting the Chief Executive to submit a supplementary report to the Standing Committee of the National People's Congress" for debate in Council. The motion was negated.  |
| 19 May 2004                           | Hon Albert HO Chun-yan moved a motion on "Regretting the decision of the Standing Committee of the National People's Congress to rule out universal suffrage in the years 2007 and 2008" for debate in Council. The motion was negated.  |
| 10 November 2004                      | Hon Ronny TONG Ka-wah moved a motion on "Constitutional development" for debate in Council. The motion was negated.  |
| 5 January 2005                        | Hon Albert Jinghan CHENG moved a motion on "The Fourth Report of the Constitutional Task Force" for debate in Council. The motion was negated.   |
| 9 March 2005                          | Hon Ronny TONG Ka-wah moved a motion on "Shortcomings of Functional Constituencies" for debate in Council. The motion was negated.   |
| 9 November 2005                       | Hon Ronny TONG Ka-wah moved a motion on "Constitutional Reform Proposal" for debate in Council. The motion was negated.  |

| <b><u>Date of Council meeting</u></b> | <b><u>Motion</u></b>  |
|---------------------------------------|---|
| 30 November 2005                      | Hon LEUNG Kwok-hung moved a motion on "Conducting a referendum on the full implementation of elections by universal suffrage in 2007 and 2008" for debate in Council. The motion was negated. |
| 7 December 2005                       | Dr Hon YEUNG Sum moved a motion on "Democratic political system" for debate in Council. The motion was negated.   |
| 22 November 2006                      | Hon Ronny TONG Ka-wah moved a motion on "Electing the Chief Executive by universal suffrage" for debate in Council. The motion was negated.   |
| 29 November 2006                      | Hon LEE Cheuk-yan moved a motion on "Electing the Legislative Council by universal suffrage" for debate in Council. The motion was negated.   |
| 9 January 2008                        | Hon Albert CHAN moved a motion on "Report on Public Consultation on Green Paper on Constitutional Development" for debate in Council. The motion was negated.                                 |
| 7 January 2009                        | Dr Hon Margaret NG moved a motion on "Public consultation on 2012 constitutional development" for debate in Council. The motion was negated.  |
| 11 February 2009                      | Hon Albert HO moved a motion on "Procrastinating public consultation on constitutional development" for debate in Council. The motion was negated.  |
| 17 June 2009                          | Hon LEUNG Kwok-hung moved a motion on "Proposal on constitutional reform in Hong Kong" for debate in Council. The motion was negated.   |
| 2 December 2009                       | Hon Alan LEONG moved a motion on "Roadmap for universal suffrage" for debate in Council. The motion was negated.  |
| 9 June 2010                           | Hon Ronny TONG Ka-wah moved a motion on "Constitutional reform" for debate in Council. The motion was negated.  |

| <b><u>Date of Council meeting</u></b> | <b><u>Motion</u></b>   |
|---------------------------------------|--|
| 30 June 2011                          | Hon LEUNG Kwok-hung moved a motion on "Proposal on the constitutional reform in Hong Kong" for debate in Council. The motion was negated.  |
| 20 February 2013                      | Hon Ronny TONG Ka-wah moved a motion on "Implementing dual universal suffrage" for debate in Council. The motion was negated.  |
| 29 May 2013                           | Hon Alan LEONG moved a motion on "Democratic procedures for the election of the Chief Executive by universal suffrage in 2017" for debate in Council. The motion was negated.                                |
| 12 November 2014                      | Hon WONG Yuk-man moved a motion on "Devising the constitution by all people, making a new covenant, and realizing genuine 'Hong Kong people ruling Hong Kong' for debate in Council. The motion was negated. |
| 20 and 26 November 2014               | Hon Ronny TONG moved a motion on "Constitutional reform" for debate in Council. The motion was passed.   |

**Relevant questions raised in Council**  
(since First LegCo)

| <b><u>Date of Council meeting</u></b> | <b><u>Question</u></b>   |
|---------------------------------------|--|
| 8 December 1999                       | Hon Emily LAU Wai-hing raised a question on "Modifying the electoral systems".   |
| 13 June 2001                          | Hon Martin LEE Chu-ming raised a question on "Improvement on method of forming the Legislative Council".   |
| 13 November 2002                      | Hon Emily LAU Wai-hing raised a question on "Arrangements for the Legislative Council functional constituencies elections".  |
| 8 October 2003                        | Dr Hon YEUNG Sum raised a question on "Timetable for review on political system".  |
| 18 February 2004                      | Hon Michael MAK Kwok-fung raised a question on "Constitutional development of Hong Kong".  |
| 2 June 2004                           | Hon Martin LEE Chu-ming raised a question on "Interpretation of the Basic Law and decision on issues relating to the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008 by the Standing Committee of the National People's Congress". |
| 9 June 2004                           | Hon SZETO Wah raised a question on "The report submitted by the Chief Executive to the Standing Committee of the National People's Congress".  |
|                                       | Hon Audrey EU Yuet-mee raised a question on "Registered voters of the functional constituencies".  |
| 10 November 2004                      | Dr Hon YEUNG Sum raised a question on "Constitutional development".  |
| 26 January 2005                       | Hon Frederick FUNG Kin-kee raised a question on "Returning of some Legislative Council Members by functional constituencies".  |

| <b><u>Date of Council meeting</u></b> | <b><u>Question</u></b>   |
|---------------------------------------|--|
| 19 October 2005                       | Dr Hon YEUNG Sum raised a question on "Political reform".  |
| 30 November 2005                      | Hon LEE Wing-tat raised a question on "Position and Reaction of Middle Class Towards Universal Suffrage".                      |
|                                       | Hon MA Lik raised a question on "Expansion of Election Committee".   |
| 7 December 2005                       | Hon LEE Wing-tat raised a question on "Collecting Public Views on Constitutional Development".                                 |
| 21 December 2005                      | Hon Martin LEE raised a question on "Establishment of Bicameral System in Hong Kong".  |
| 17 May 2006                           | Hon Emily LAU raised a question on "Conditions for Implementation of Universal Suffrage in Hong Kong".                         |
| 14 June 2006                          | Hon Emily LAU raised a question on "Dual Elections by Universal Suffrage".   |
| 24 January 2007                       | Hon LEE Wing-tat raised a question on "Commenting on Constitutional Development of Hong Kong".                                 |
| 23 May 2007                           | Hon LEUNG Yiu-chung raised a question on "Universal Suffrage Proposals".   |
| 20 June 2007                          | Hon Emily LAU raised a question on "Election of Chief Executive by Universal Suffrage".  |
| 27 June 2007                          | Hon Ronny TONG raised question on "Democratic Development for HKSAR".  |
|                                       | Hon LEE Cheuk-yan raised a question on "Qualification for Candidacy of Chief Executive to be Selected by Universal Suffrage".  |
|                                       | Hon Alan LEONG raised a question on "Options for Universal Suffrage".  |
| 23 January 2008                       | Hon Emily LAU raised a question on "Implementation of Universal Suffrage for Chief Executive and Legislative Council in 2012". |

| <b><u>Date of Council meeting</u></b> | <b><u>Question</u></b>  |
|---------------------------------------|---|
| 2 July 2008                           | Hon Emily LAU raised a question on "Method for electing the Chief Executive and for forming the Legislative Council".     |
| 2 December 2009                       | Hon WONG Sing-chi raised a question on "Retention or otherwise of functional constituencies of the Legislative Council".  |
| 6 January 2010                        | Hon Audrey EU raised a question on "Functional constituencies of the Legislative Council".                                |
| 3 March 2010                          | Dr Hon LEUNG Ka-lau raised a question on "Procedures for voting on motions and bills in the Legislative Council".         |
| 10 March 2010                         | Hon Paul TSE raised a question on "Legislative Council functional constituencies".  |
| 28 April 2010                         | Hon Albert HO raised a question on "Legislative Council functional constituencies".                                       |
| 26 May 2010                           | Hon Audrey EU raised a question on "Functional constituencies".   |
| 9 June 2010                           | Hon Tanya CHAN raised a question on "Publicity strategies for 2012 constitutional package".                               |
| 23 June 2010                          | Hon Alan LEONG raised a question on "Reform of the political system".   |
| 14 July 2010                          | Hon LEE Wing-tat raised a question on "Follow-up work to the passage of motions to amend the electoral methods in 2012".  |
| 20 October 2010                       | Hon Tanya CHAN raised a question on "Delimitation of functional sectors and corporate bodies of the Legislative Council". |
|                                       | Hon Emily LAU raised a question on "Composition of the Election Committee".   |

| <b><u>Date of Council meeting</u></b> | <b><u>Question</u></b>  |
|---------------------------------------|---|
| 20 March 2013                         | Hon Emily LAU raised a question on "Government's response to the issues raised by the United Nations Human Rights Committee".   |
| 27 March 2013                         | Hon James TO raised a question on "The Chief Executive election in 2017".   |
| 29 May 2013                           | Hon Alan LEONG raised a question on "Selection of the Chief Executive and election of the Legislative Council by universal suffrage".   |
|                                       | Hon SIN Chung-kai raised a question on "Statistics relating to functional constituencies".  |
| 17 July 2013                          | Hon Emily LAU raised a question on "Public Consultation on Constitutional Reform".  |
| 30 October 2013                       | Hon Alan LEONG raised a question on "Work of the Task Force on Constitutional Development".   |
| 13 November 2013                      | Dr Hon Kenneth CHAN raised a question on "Proposal on candidates for Chief Executive Election to take oath".  |
| 12 February 2014                      | Dr Hon LAM Tai-fai raised a question on "Public consultation on constitutional development".  |
| 9 April 2014                          | Dr Hon LAM Tai-fai raised a question on "Constitutional development".   |
| 18 June 2014                          | Dr Hon LAM Tai-fai raised a question on "Occupy Central and constitutional development proposals".  |
| 25 June 2014                          | Dr Hon LAM Tai-fai raised a question on "Civil referendum".   |
| 15 October 2014                       | Hon Charles MOK raised a question on "Decision of the Standing Committee of the National People's Congress on issues relating to the selection of the Chief Executive by universal suffrage". |
| 22 October 2014                       | Hon Kenneth LEUNG raised a question on "Opinion polls on constitutional development".   |

| <b><u>Date of Council meeting</u></b> | <b><u>Question</u></b>  |
|---------------------------------------|---|
| 12 November 2014                      | Hon Emily LAU raised a question on "Selecting Chief Executive by universal suffrage".   |
|                                       | Hon KWOK Ka-ki raised a question on "Submission of reports on constitutional development to the Central People's Government". |
| 7 January 2015                        | Dr Hon LAM Tai-fai raised a question on "Second round of public consultation on constitutional development".                  |



## Appendix IV

### Relevant documents on Method for selecting the Chief Executive in 2017 and related issues

| Committee                                    | Date of meeting          | Paper  |
|--|--------------------------|--|
| Legislative Council                          | 4 December 2013          | <a href="#">Consultation Document on Methods for Selecting the Chief Executive in 2017 and for Forming the Legislative Council in 2016 and Statement made by the Chief Secretary for Administration</a>  |
| Panel on Constitutional Affairs ("CA Panel") | 9 December 2013 (Item I) | <a href="#">Agenda</a><br><a href="#">Minutes</a>  |
|  | 11 January 2014 (Item I) | <a href="#">Agenda</a><br><a href="#">Minutes</a>  |
|  | 18 January 2014 (Item I) | <a href="#">Agenda</a><br><a href="#">Minutes</a>  |
| House Committee                              | 15 July 2014             | <a href="#">Agenda</a><br><a href="#">Verbatim record of the proceedings</a>   |
| CA Panel                                     | 21 July 2014 (Item II)   | <a href="#">Report by the Chief Executive of HKSAR to the Standing Committee of the National People's Congress on whether there is a need to amend the methods for selecting the Chief Executive of HKSAR in 2017 and for forming the Legislative Council of HKSAR in 2016</a><br><br><a href="#">Report on the Public Consultation on the Methods for Selecting the Chief Executive in 2017 and for Forming the Legislative Council in 2016</a><br><br><a href="#">Opening remarks by the Chief Secretary for Administration at the special House Committee meeting on 15 July 2014</a> |

| <b>Committee</b> | <b>Date of meeting</b> | <b>Paper</b>                                      |
|------------------|------------------------|---|
|                  |                        | <a href="#">Agenda</a><br><a href="#">Minutes</a> |

Council Business Division 2  
Legislative Council Secretariat  
15 January 2015