

2017

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Method for Selecting the Chief Executive by Universal Suffrage

Consultation Report and Proposals

April 2015



The Hong Kong Special Administrative Region Government

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* The above appendices have been uploaded to the website www.2017.gov.hk. Members of the public may visit the website to browse the contents of the appendices.

Chapter One: Introduction

- 1.01 The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China ("Basic Law") prescribes the method for selecting the Chief Executive ("CE"). Article 45 of the Basic Law provides:

"The Chief Executive of the Hong Kong Special Administrative Region shall be selected by election or through consultations held locally and be appointed by the Central People's Government.

The method for selecting the Chief Executive shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. 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.

The specific method for selecting the Chief Executive is prescribed in Annex I: 'Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region'."

- 1.02 According to the Basic Law and the *Interpretation by the Standing Committee of the National People's Congress of Article 7 of Annex I and Article III of Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China* ("2004 Interpretation"), amendments to the method for selecting the CE have to complete the "Five-step Process":

First Step: the CE to make a report to the Standing Committee of the National People's Congress ("NPCSC"), so as to invite the NPCSC to decide whether it is necessary to amend the method of selection;

Second Step: the NPCSC to make a determination on whether any amendment to the method of selection may be made;

Third Step: the Hong Kong Special Administrative Region (“HKSAR”) Government to introduce to the Legislative Council (“LegCo”) a resolution on the amendments to the method for selecting the CE, to be passed by a two-thirds majority of all the Members of the LegCo;

Fourth Step: the CE to consent to the resolution as passed by the LegCo; and

Fifth Step: the CE to report the relevant bill to the NPCSC for approval.

The full text of the 2004 Interpretation is at Annex I.

- 1.03 To take forward the important task of implementing universal suffrage for the selection of the CE in 2017, the HKSAR Government announced on 17 October 2013 the establishment of the Task Force on Constitutional Development (“Task Force”), which is headed by the Chief Secretary for Administration and with the Secretary for Justice and the Secretary for Constitutional and Mainland Affairs as members. The Task Force thereafter published the *Consultation Document on the Method for Selecting the Chief Executive in 2017 and for Forming the Legislative Council in 2016* on 4 December 2013, thereby launching a five-month public consultation to collect views widely from various sectors of the community.
- 1.04 Subsequently, the HKSAR Government published on 15 July 2014 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 provide a detailed account of the views received during the consultation period on the methods for selecting the CE in 2017 and for forming the LegCo in 2016. On the same day, the CE submitted his report to the 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 LegCo in 2016.

1.05 Having considered the report submitted by the CE and having extensively listened to the views and opinions from different sectors of the Hong Kong community, the NPCSC adopted, on 31 August 2014, 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 formally determines that universal suffrage for the CE election could be implemented starting from 2017. The Decision also sets out a clear framework on the specific method for selecting the CE by universal suffrage, and stresses that "it is the consistent position of the central authorities to implement resolutely and firmly the principles of 'one country, two systems', 'Hong Kong people administering Hong Kong' and a high degree of autonomy, strictly adhere to the Hong Kong Basic Law and steadily take forward the selection of the Chief Executive by universal suffrage in 2017." Regarding the determination made by the NPCSC on the method for selecting the CE by universal suffrage, Li Fei, Deputy Secretary General of the NPCSC, when delivering the *Explanations on the Draft 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* ("Explanations on the Draft Decision") at the Tenth Session of the Standing Committee of the Twelfth National People's Congress on 27 August 2014, clearly pointed out that:

"given its constitutional responsibility for the proper implementation of the Hong Kong Basic Law and for making decision on the method for selecting the Chief Executive, it is necessary for the [NPCSC] to make provisions on certain core issues concerning the method of universal suffrage for the selection of the Chief Executive, so as to facilitate the building of consensus within Hong Kong community and ensure that the selection of the Chief Executive by universal suffrage will proceed on the right track as laid down by the Hong Kong Basic Law and the relevant Decisions of the [NPCSC]."

The full text of the Decision and the Explanations on the Draft Decision are at [Annex II](#) and [Annex III](#) respectively.

- 1.06 Since the establishment of the Task Force on 17 October 2013, the HKSAR Government has completed the “First Step” in accordance with the “Five-step Process” laid down in the 2004 Interpretation of the NPCSC, and the NPCSC has made the Decision in accordance with the “Second Step”. It is the aim of the HKSAR Government to complete the remaining three steps of the “Five-step Process” in accordance with the Basic Law, the 2004 Interpretation and the relevant NPCSC Decisions, so as to implement universal suffrage for the selection of the CE in 2017 as scheduled and to take forward the constitutional development of Hong Kong.
- 1.07 In accordance with the Basic Law and the relevant stipulations in the NPCSC’s Decision, the HKSAR Government published on 7 January 2015 the *Consultation Document on the Method for Selecting the Chief Executive by Universal Suffrage* (“Consultation Document”), thereby launching a two-month public consultation on the key issues regarding the method for selecting the CE by universal suffrage. The consultation period ended on 7 March 2015.
- 1.08 During the two-month consultation period, the HKSAR Government through various channels listened to the views on the issues concerning the method for selecting the CE by universal suffrage put forward by different sectors of the community and members of the public.
- 1.09 Whether or not the selection of the CE by universal suffrage could be implemented in 2017 would depend on whether we could complete the remaining three steps of the “Five-step Process” as scheduled. The HKSAR Government notes that some of the discussions on the method for selecting the CE by universal suffrage in the community are not still, or very likely not, consistent with the Basic Law and the framework laid down by the Decision; some even request the revocation of the Decision, or a restart of the “Five-step Process”. In this regard, the HKSAR Government has repeatedly reiterated that such suggestions are legally and practically not workable, and are not conducive to implementing universal suffrage for the selection of the CE. The HKSAR Government cannot and will not further process such suggestions.

- 1.10 Having fully considered the views received, and having taken into account the legal and political considerations as well as the issues concerning actual operation, the HKSAR Government puts forward a package of proposals for the method for selecting the CE by universal suffrage, with a view to achieving the aim of universal suffrage for the selection of the CE through “one person, one vote” in 2017 as scheduled.
- 1.11 Chapter Two of this Report covers the work relating to the public consultation and the views received. Chapter Three sets out the HKSAR Government’s considerations and recommendations on the method for selecting the CE by universal suffrage, and Chapter Four contains the proposals for the method for selecting the CE by universal suffrage put forward by the HKSAR Government, as well as the HKSAR Government’s proposals to be submitted to the LegCo to amend Annex I to the Basic Law regarding the method for selecting the CE.
- 1.12 Chapter Two of this Report and the relevant appendices contain references to the views and suggestions on the method for selecting the CE by universal suffrage submitted by certain groups and individuals. Such views and suggestions do not represent the position of the HKSAR Government, nor does the HKSAR Government necessarily agree with such views and suggestions. Due to limited space, this Report cannot exhaustively set out all the views and suggestions which have been put forward by all the groups and individuals on the relevant issues. However, the full set of all written submissions received are included in Appendices I and II to this Report. Should there be any discrepancy, the original contents of the written submissions as included in the Appendices shall prevail.

Chapter Two: Public Consultation on the Method for Selecting the Chief Executive by Universal Suffrage

2.01 Following the publication of the Consultation Document on 7 January 2015, the HKSAR Government immediately launched a two-month public consultation which ended on 7 March. During the consultation period, the HKSAR Government encouraged different sectors of the community and the general public to submit views on the key issues regarding the method for selecting the CE by universal suffrage. Strictly in accordance with the Basic Law, the design principles of the political structure of the HKSAR under the Basic Law, and the NPCSC's Decision, the Consultation Document set out the key issues for discussion including:

- (I) Composition and Formation Method of the Nominating Committee;
- (II) Procedures for the Nominating Committee to Nominate Chief Executive Candidates;
- (III) Voting Arrangements for Selecting the Chief Executive by Universal Suffrage; and
- (IV) Other Related Issues for the Selection of the Chief Executive by Universal Suffrage.

2.02 We have also, through different channels, listened to the views expressed by different sectors of the community and the general public on the method for selecting the CE by universal suffrage. Among others, members of the Task Force attended the various relevant meetings of the LegCo, which includes the Chief Secretary for Administration making a statement at the LegCo meeting on the day the consultation was launched; and attending meetings of the LegCo Panel on Constitutional Affairs (including meeting around 400 groups and individuals at two special meetings). Besides, members of the Task Force and other relevant Government officials attended meetings organised by individual political parties/groups, the relevant meetings of all 18 District Councils ("DCs"), a number of forums and seminars organised by different organisations, as well as visited a number

of districts to engage members of the public directly, introducing to them the key issues of the consultation, explaining the HKSAR Government's position, and listening to the views of different groups and individuals. During the two-month consultation period, the Task Force and relevant Government officials attended a total of 88 consultation and district activities. A list of such activities is at Annex IV.

Views Received During the Consultation Period

- 2.03 During the consultation period, we received a total of 139 000 written submissions from different groups and individuals, sent through post, facsimile, e-mail, or submitted directly at various consultation events, including about 33 300 questionnaire-type submissions in various forms, and about 102 200 pro-forma submissions in various forms expressing mostly the same views and suggestions.
- 2.04 Moreover, the 18 DCs discussed the contents of the Consultation Document and passed motions respectively during the period between January and March 2015, and considered that Hong Kong should implement universal suffrage for the selection of the CE in 2017 as scheduled in accordance with the Basic Law and the NPCSC's Decision. Full text of the relevant motions in respect of the method for selecting the CE by universal suffrage passed by the 18 DCs is at Annex V.
- 2.05 The HKSAR Government is aware that before the launch of the public consultation, some political parties, Members of the LegCo, and individual groups had expressed their opposition against the NPCSC's Decision, and declared to boycott this public consultation and would not attend any consultation activities. Although the Task Force has repeatedly appealed to such political parties, Members of the LegCo and groups during the consultation period urging them not to boycott the consultation, and to actively participate in the discussion so as to forge a consensus, no positive response was received.
- 2.06 The HKSAR Government appreciates that the method for selecting the CE by universal suffrage is an extremely controversial issue. Different groups and individuals in the community hold very different views on this important issue, and choose to express their views by different means. The HKSAR

Government is also aware that various opinion polls were conducted and published by different academic, non-governmental and media organisations on issues relating to the method for selecting the CE by universal suffrage during the consultation period. The contents of such opinion polls are mainly related to whether the public supports that the proposals for the method for selecting the CE by universal suffrage should be formulated in accordance with the NPCSC's Decision; whether the LegCo should endorse the proposals for the method for selecting the CE by universal suffrage so as to implement the selection of the CE by universal suffrage through "one person, one vote"; the nomination and voting arrangements of universal suffrage, etc.

2.07 We notice that written submissions put forth by different political parties and Members of the LegCo, groups and members of the public, as well as relevant opinion polls largely show that, although there are different views in the society on the specific method for selecting the CE by universal suffrage, the community hoped that universal suffrage for the CE election could be implemented in 2017 as scheduled. At the same time, we notice that during the consultation period, some suggestions are still not in conformity with the Basic Law and the NPCSC's Decisions, such as demanding "civic nomination", revocation of the Decision, restarting the "Five-step Process", etc. We have repeatedly stated to the public that such suggestions are not practicable, nor are they issues to be addressed in this consultation exercise, and that they are not conducive to the implementation of universal suffrage for the selection of the CE in 2017. Accordingly, such opinions will not be further analysed. However, since these opinions are related to constitutional development, we have included them into the appendices to this report for reference.

2.08 The full texts of the views received on the method for selecting the CE by universal suffrage, and opinion polls conducted by various academic, non-governmental and media organisations on issues related to the method for selecting the CE by universal suffrage during the consultation period, are included in the following Appendices:

Appendix I Written submissions put forth by political parties/groups and Members of the Legislative Council, and groups and individuals who met with

members of the Task Force on Constitutional Development during the consultation period

Appendix II Public Views

Appendix III Opinion polls conducted by various academic, non-governmental and media organisations on the method for selecting the Chief Executive by universal suffrage

The above appendices have been uploaded to the website www.2017.gov.hk. Members of the public may visit the website to browse the contents of the appendices.

2.09 The following paragraphs summarise the views received on the issues relating to the method for selecting the CE by universal suffrage. This report quotes the views and suggestions made by some political parties/groups and Members of the LegCo, as well as certain groups and individuals for illustration purpose so as to assist the public in understanding the relevant issues. Due to limited space, this report cannot exhaustively set out all the contents of the views and suggestions received and the relevant opinion polls. Should there be any discrepancy, the written submissions included in the appendices shall prevail.

(I) Composition and Formation Method of the Nominating Committee

2.10 Regarding the composition of the Nominating Committee (“NC”), there are more political parties/groups and Members of the LegCo, including the Democratic Alliance for the Betterment and Progress of Hong Kong (“DAB”), the Business and Professionals Alliance for Hong Kong (“BPA”), the Hong Kong Federation of Trade Unions (“FTU”), the New People’s Party Study Group on Constitutional Development (“NPP Study Group”), the Federation of Hong Kong and Kowloon Labour Unions (“FLU”), Dr Hon LAM Tai-fai, Hon Tony TSE Wai-chuen and others, and also there are more written submissions put forth by certain groups and members of the public¹, which consider that the composition of the NC should be in accordance with the four

¹ For example, the Hong Kong Professionals and Senior Executives Association, the Chinese Manufacturers’ Association, the Federation of Hong Kong Industries, the Heung Yee Kuk New Territories, etc., put forth relevant views; for details, please refer to Appendix I and Appendix II.

sectors and 38 subsectors of the existing Election Committee (“EC”). Some submissions gave specific recommendations on certain subsectors, e.g., the Liberal Party (“LP”) suggested that the number of seats of the Agriculture and Fisheries subsector should be reduced from 60 to 20, and that new subsectors for youth and women should be introduced. There are also views which suggest that increasing the total number of subsectors should be considered².

- 2.11 Regarding the number of members and formation method of the subsectors of the NC, there are more views which consider that the number of members and the formation method for each subsector of the NC should follow those of the existing EC and remain unchanged. BPA, Dr Hon LAM Tai-fai, Hon NG Leung-sing, Hon Tony TSE Wai-chuen and others put forth suggestions in this regard. Individual political parties/groups and Members of the LegCo also put forth views related to the method for returning NC members. For instance, LP suggests to review the “corporate votes” in the First Sector so as to expand the electorate base; NPP Study Group suggests expanding the electorate bases of the Social Welfare subsector, the Agriculture and Fisheries subsector, and the Wholesale and Retail subsector, as well as to add the representatives of small and medium-size enterprises and women, etc. to certain subsectors. Besides, there are also some views which consider that the electorate base of the NC should be expanded³. For details of the relevant views from the political parties/groups and Members of the LegCo, as well as groups and members of the general public, please refer to Appendix I and Appendix II.

(II) Procedures for the Nominating Committee to Nominate Chief Executive Candidates

- 2.12 Regarding the nominating procedures, DAB, BPA, FTU, LP, NPP Study Group, Hon NG Leung-sing, Hon Tony TSE Wai-chuen, and there are more written submissions put forth by groups and

² For example, the Hong Kong Bar Association put forth relevant views; for details, please refer to Appendix II.

³ For example, the Hong Kong Bar Association, the Law Society of Hong Kong, Hong Kong 2020, etc., put forth relevant views; for details, please refer to Appendix II.

members of the public⁴ which suggest that the nominating procedures be divided into two stages, namely, the stage of “members recommendation” and the stage of “committee nomination”.

- 2.13 As regards the recommendation threshold, there are different views. For example, LP and some written submissions put forth by certain groups and members of the public⁵ suggest that the recommendation threshold should be set at one-eighth of all of the NC members (i.e., 150 members). Meanwhile, some views, such as DAB, FTU, FLU, Dr Hon LAM Tai-fai, Hon NG Leung-sing, Hon Tony TSE Wai-chuen, and some of the written submissions put forth by certain groups and members of the public⁶ consider that the recommendation threshold should be lowered. Among these suggestions, DAB, Hon NG Leung-sing and others consider that the threshold should not be less than one-tenth of all of the NC members (i.e., 120 members); FTU suggests that the threshold should be set between 60 to 150 members; BPA, New Century Forum (“NCF”), FLU and others consider that the threshold should be lowered to 100 members; Dr Hon LAM Tai-fai considers that the threshold should be set at 125 members; whilst NPP Study Group considers that the threshold could be set at 100 or 150 members.
- 2.14 Regarding the recommendation cap, there are views which suggest that there should be a cap on recommendations, i.e., a person seeking nomination could only obtain a certain maximum number of recommendations so as to allow more interested persons to participate. FTU, NPP Study Group, NCF, FLU, and some written submissions put forth by certain groups and

⁴ For example, the Heung Yee Kuk New Territories, the Chinese General Chamber of Commerce, Mr Henry TANG Ying-yen, Prof. Johannes CHAN put forth relevant views; for details, please refer to Appendix I and Appendix II.

⁵ For example, the Hong Kong Chinese Importers’ and Exporters’ Association, Prof. Lawrence J. LAU and Mrs Ayesha MACPHERSON LAU, etc., put forth relevant views; for details, please refer to Appendix I and Appendix II.

⁶ For example, the Heung Yee Kuk New Territories, the Hong Kong General Chamber of Commerce, the Chinese General Chamber of Commerce, the Hong Kong Professionals and Senior Executives Association, the “G-13” (a group of 13 academics), Hong Kong 2020, Prof. Johannes CHAN, etc., put forth relevant views; for details, please refer to Appendix I and Appendix II.

members of the public⁷ raise relevant views. Among these views, FTU, Dr Hon LAM Tai-fai and others suggest that the maximum recommendation each person could obtain should be 240 members; BPA, NPP Study Group, NCF, FLU, Hon NG Leung-sing and others suggest the maximum recommendation each person seeking nomination could obtain be 200 members. Hon Tony TSE Wai-chuen suggests each person seeking nomination could only obtain a maximum of 150 members' recommendations.

- 2.15 Regarding the specific nominating procedures, there are different views. For example, DAB, FTU, LP and others consider that the NC should adopt the “one person, maximum three votes” voting method to select two to three candidates⁸; while there are also views, including NCF and others, which suggest that the “voting on each person seeking nomination” voting method should be adopted⁹. FLU, Hon Tony TSE Wai-chuen and others suggest using the “one person, two to three votes” voting method¹⁰; while Hon NG Leung-sing suggests the “block vote system” (i.e., “one person, three votes”). BPA suggests using either the “one person, three votes” or “voting on each person seeking nomination” voting method; while NPP Study Group suggests using the “limited vote” (or “one person, two votes”) method to select two to three candidates. There are fewer views which suggest other nominating methods.

⁷ For example, the Hong Kong Professionals and Senior Executives Association, Hong Kong 2020, Mr Henry TANG Ying-yen, etc., put forth relevant views; for details, please refer to Appendix I and Appendix II.

⁸ The Law Society of Hong Kong, the Hong Kong Professionals and Senior Executives Association, etc., also put forth relevant views. Separately, Dr Hon Lam Tai-fai suggests each member should be able to cast zero to three votes; the Hong Kong General Chamber of Commerce suggests that either the “one person, maximum three votes” or “voting on each person seeking nomination” be adopted; for details, please refer to Appendix I and Appendix II.

⁹ The Federation of Hong Kong Guangdong Community Organizations, Wisdom Hong Kong, the Hong Kong Federation of Women, Prof. Lawrence J. LAU and Mrs Ayesha MACPHERSON LAU, etc., also put forth relevant views; for details, please refer to Appendix I and Appendix II.

¹⁰ The Heung Yee Kuk New Territories, the Federation of Hong Kong Industries, Mr Henry TANG Ying-yen, etc., put forth relevant views; for details, please refer to Appendix I and Appendix II.

- 2.16 Regarding whether open or secret ballot should be adopted at the stage of “committee nomination”, some views, including DAB, BPA, LP, NPP Study Group, Hon NG Leung-sing, and some written submissions put forth by certain groups and members of the public¹¹ consider that secret ballot should be adopted; while FTU and some written submissions put forth by certain groups and members of the public¹² consider that open ballot should be used. If the nominating procedures fail to select two to three candidates, some consider that the nominating procedures should be restarted. For example, FTU, LP, and Dr Hon LAM Tai-fai put forward such views. There is also another view, such as FLU and others, which suggests using multiple rounds of voting until at least two candidates are selected.
- 2.17 As regards the transparency of the nominating procedures, there are views which suggest that measures should be adopted to enhance the transparency of the nominating procedures¹³. However, the views on the specific arrangements differ.
- 2.18 The HKSAR Government notices that there are still certain views, including some of those put forth by certain political parties/groups and Members of the LegCo, and some written submissions put forth by certain groups and members of the public, which suggest certain nominating procedures such as “civic nomination” that are not consistent with the Basic Law and the NPCSC’s Decision. As explained in paragraph 1.09 above, such suggestions are neither workable nor conducive to implementing universal suffrage for the selection of the CE. The HKSAR Government will not further process such suggestions.

¹¹ For example, the Law Society of Hong Kong, the Heung Yee Kuk New Territories, etc., put forth relevant views; for details, please refer to Appendix I and Appendix II.

¹² For example, the Hong Kong Bar Association, etc., put forth relevant views; for details, please refer to Appendix I and Appendix II.

¹³ For example, NCF, the Chinese Manufacturers’ Association of Hong Kong, the Hong Kong Professionals and Senior Executives Association, etc., put forth relevant views; for details, please refer to Appendix I and Appendix II.

(III) Voting Arrangements for Selecting the Chief Executive by Universal Suffrage

- 2.19 There are different views in respect of the voting arrangements for selecting the CE by universal suffrage. There are views which consider that the “first-past-the-post” voting system should be adopted to return the CE-elect. DAB, BPA, LP, NPP Study Group, Hon NG Leung-sing, and some written submissions put forth by certain groups and members of the public¹⁴ share similar views. Meanwhile, there are also views, including NCF, Hon Tony TSE Wai-chuen, and some written submissions put forth by certain groups and members of the public¹⁵, which suggest adopting the two-round voting system. FTU adopts an open mind in respect of these two voting arrangements.
- 2.20 During the consultation period, there were views suggesting a so-called “blank-vote gate-keeping option” or “none of the above option”. The suggestion is that during the stage of selecting the CE by way of universal suffrage, a “none of the above” option should be included in the ballot paper in addition to the names of the candidates. If the number of blank votes or votes choosing the “none of the above” option reaches a certain proportion, the election should be considered invalid, and a re-election would be required¹⁶. However, there are also views, such as those of Hon NG Leung-sing and others which do not support such proposals¹⁷.

¹⁴ For example, the Chinese General Chamber of Commerce, the Heung Yee Kuk New Territories, the Hong Kong Federation of Education Workers, the All-China Women's Federation Hong Kong Delegates Association, etc., put forth relevant views; for details, please refer to Appendix I and Appendix II.

¹⁵ For example, the Hong Kong Professionals and Senior Executives Association, the Kowloon Federation of Associations, the “G-13”, Prof. Lawrence J. LAU and Mrs Ayesha MACPHERSON LAU, etc., put forth relevant views; for details, please refer to Appendix I and Appendix II.

¹⁶ For example, Prof. Albert CHEN put forth relevant suggestions; for details, please refer to Appendix I.

¹⁷ The Heung Yee Kuk New Territories, Ms Miriam LAU Kin-ye, etc., also put forth relevant views; for details, please refer to Appendix I.

(IV) Other Related Issues for the Selection of the Chief Executive by Universal Suffrage

- 2.21 In respect of the term of office of the NC, FTU, LP, Hon Tony TSE Wai-chuen, and some written submissions put forth by certain groups and members of the public¹⁸ suggest that the term of office of the NC should follow the existing five-year arrangement of the EC. There are certain views¹⁹ which suggest that in the event that the office of the CE becomes vacant, the term of office of the new CE shall be the remainder of the previous CE. There are also views that the term of office of the NC should terminate upon the swearing in of the CE it has nominated²⁰.
- 2.22 Regarding the re-election arrangements in the event the CE-elect is not appointed by the Central People's Government ("CPG"), some views, such as those of LP, suggest that the current Chief Executive Election Ordinance (Cap. 569) should be amended to deal with the situation where a CE-elect is not appointed by the CPG²¹. FLU, NPP Study Group and others consider that in such case, the nominating process should be restarted²².
- 2.23 Regarding the political affiliation of the CE, BPA, FLU, NPP Study Group, Hon Tony TSE Wai-chuen and others consider that the requirement that the CE should not be a member of any political party should be maintained for the CE election in 2017²³.

¹⁸ For example, the Chinese Manufacturers' Association of Hong Kong, the Hong Kong Chinese Importers' & Exporters' Association, Mr Ian FOK Chun-wan, etc., put forth relevant views; for details, please refer to Appendix I and Appendix II.

¹⁹ For example, the Chinese General Chamber of Commerce, the Hong Kong Chinese Importers' & Exporters' Association, etc., put forth relevant views; for details, please refer to Appendix I.

²⁰ For example, the Hong Kong Bar Association, the Heung Yee Kuk New Territories, etc., put forth relevant views; for details, please refer to Appendix I and Appendix II.

²¹ The Hong Kong Bar Association, the Hong Kong Women Development Association, etc., also put forth relevant views; for details, please refer to Appendix I and Appendix II.

²² The Hong Kong Federation of Education Workers, the Hong Kong Chinese Importers' & Exporters' Association, etc., also put forth relevant views; for details, please refer to Appendix I and Appendix II.

²³ The Chinese General Chamber of Commerce, the Kowloon Federation of Societies, etc., also put forth relevant views; for details, please refer to Appendix I and Appendix II.

LP considers that law on political parties should be introduced as soon as possible so as to abolish the requirement that the CE cannot be a member of any political party.

- 2.24 During the consultation period, there were also views which considered that the method for selecting the CE could continue to evolve after 2017²⁴. For example, BPA considers that based on the principle of gradual and orderly progress, there is still room for the method for selecting the CE to be improved after 2017; LP considers that, according to constitutional practices, the method for selecting the CE by universal suffrage in 2022 could develop in light of the actual situation and in a gradual and orderly progress manner; FLU considers that we should take the first step forward, and discuss how to improve the electoral method in the future in accordance with the provisions of the Basic Law and consensus, and in accordance with the principles of gradual and orderly progress, and balanced participation.
- 2.25 Detailed views received from the relevant political parties and Members of the LegCo, groups and members of the public, as well as results of the relevant opinion polls, are included in Appendices I to III for reference.

²⁴ The Hong Kong Bar Association, the “G-13”, etc., also put forth relevant views; for details, please refer to Appendix I and Appendix II.

Chapter Three: Considerations and Recommendations on the Method for Selecting the Chief Executive by Universal Suffrage

3.01 In considering the various issues relating to the method for selecting the CE by universal suffrage, we should fully take into account the following principles and factors:

- (i) the recommendations must comply with the relevant provisions of the Basic Law and the NPCSC's Decision, so as to fully implement the principle of "one country, two systems" and to be consistent with the HKSAR's constitutional status as a local administrative region coming directly under the CPG;
- (ii) the recommendations must comply with the four major principles on the design of the HKSAR's political structure, namely, meeting the interests of different sectors of the society, facilitating the development of the capitalist economy, gradual and orderly progress, and being appropriate to the actual situation in the HKSAR;
- (iii) the recommendations should be practical and practicable in terms of actual operation, transparent, and also help to ensure that elections can be conducted in an open, fair and impartial manner;
- (iv) the recommendations could respond to the strong aspiration of the different sectors of the society to implement universal suffrage for the selection of the CE as scheduled, and to allow Hong Kong's constitutional development to move forward, instead of having a standstill; and
- (v) the recommendations could serve to strike a balance amongst the various different views and opinions in the society, to secure acceptance by a majority of the public, the LegCo, the CE, as well as the Central Authorities, so that the aim of selecting the CE by universal suffrage could be attained.

3.02 Based on the above considerations, the HKSAR Government hereinbelow sets out the recommendations on the various issues concerning the method for selecting the CE by universal suffrage.

(I) Composition and Formation Method of the Nominating Committee

Constitutional provisions

3.03 According to Article 45 of the Basic Law:

“The method for selecting the Chief Executive shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. 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.”

3.04 The NPCSC’s Decision provides that:

“II. When the selection of the Chief Executive of the Hong Kong Special Administrative Region is implemented by the method of universal suffrage:

(1) A broadly representative nominating committee shall be formed. The provisions for 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 Chief Executive.”

3.05 Furthermore, the Explanations on the Draft Decision points out that:

“According to this provision, the nominating committee to be defined by amendments to Annex I to the Hong Kong Basic Law shall follow the current composition of the Election Committee, which consists of 1 200 members from four major sectors in equal proportions, and keep the existing method for selecting the members as provided for by Annex I to the Hong Kong Basic Law.”

Considerations

3.06 According to the *Amendment to Annex I to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China Concerning the Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region* approved at the Sixteenth Session of the Standing Committee of the Eleventh National People's Congress on 28 August 2010, the EC to elect the fourth term CE in 2012 shall be composed of 1 200 members from the following sectors:

Industrial, commercial and financial sectors	300
The professions	300
Labour, social services, religious and other sectors	300
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	300

3.07 In accordance with the provisions of Annex I to the Basic Law and the above-mentioned Amendment, the Chief Executive Election Ordinance (Cap. 569) at the local legislation level prescribes the detailed statutory requirements and procedures for the election of the CE, including the composition of the EC. At present, the four sectors of the EC are constituted by 38 subsectors. The number of subsectors, the number of members of each subsector, and the method for returning EC members in each subsector are all prescribed by local legislation.

3.08 Given that the number of NC members is to remain at 1 200 and should comprise members from the four major sectors in equal proportions, any changes to the number of subsectors, such as introducing new subsectors, would inevitably require the adjustment of the number of members in certain existing subsectors. Further, the HKSAR Government notices that there are more views which suggest that the number of subsectors and

the number of members of each subsector should basically remain unchanged; nor is there any clear consensus in the society on the suggestions regarding the increase or change in the number of subsectors; or introducing or changing certain subsectors. In the circumstances, changing the number of subsectors or the number of NC members returned by each subsector at this stage may lead to even more controversies, and hence not conducive to forging an early consensus and securing support from Members of the LegCo to implement universal suffrage for the selection of the CE in 2017 as scheduled.

- 3.09 Regarding the electorate base of the subsectors, in the absence of sufficient support in the community and clear consensus within the various subsectors, introducing major adjustments to the electorate base of the various subsectors may not be practicable, and may lead to even more controversies.

Recommendations

- 3.10 In view of the above considerations, the HKSAR Government suggests that when the selection of the CE by universal suffrage is to be implemented, the composition of the 1 200-member NC should follow the 38 subsectors in the four major sectors of the existing EC; the subsectors of the NC and the number of members of each subsector should remain unchanged. It is suggested that the 38 subsectors should be maintained, and the respective number of members in each subsector are set out in Annex VI. Further, at the stage of amending the local legislation, we will suggest that the method for selecting the members of the 38 subsectors should remain unchanged and the electorate base of the 38 subsectors should remain largely unchanged; and that only necessary technical amendments will be made.

(II) Procedures for the Nominating Committee to Nominate Chief Executive Candidates

Constitutional provisions

- 3.11 According to Article 45 of the Basic Law:

“The method for selecting the Chief Executive shall be specified in the light of the actual situation in the Hong Kong Special

Administrative Region and in accordance with the principle of gradual and orderly progress. 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.”

3.12 According to the NPCSC’s Decision:

“The nominating committee shall nominate two to three candidates for the office of Chief Executive in accordance with democratic procedures. Each candidate must have the endorsement of more than half of all the members of the nominating committee.”

Considerations

3.13 When the selection of the CE is implemented by the method of universal suffrage, the NC will nominate CE candidates as an institution in accordance with democratic procedures, and such an arrangement will be different from the current arrangement whereby CE candidates are nominated jointly by members of the EC. At the same time, according to the Decision, the NC has to nominate two to three candidates who are able to obtain endorsement of more than half of all the members of the NC.

3.14 In designing the nominating procedures, we have to ensure that each NC member will have equal right, and that persons meeting the statutory eligibility requirements shall enjoy an equal right and opportunity to seek nomination from the NC. The operation of the NC should be transparent, so that persons seeking nomination would have equal and adequate opportunities to explain their manifestoes and missions to all the members of the NC or even the public.

3.15 In the Consultation Document, the HKSAR Government suggested that the nominating procedures of the NC be divided into two stages, namely the stage of “members recommendation” and the stage of “committee nomination”, to select two to three candidates in the end.

3.16 Regarding the stage of “members recommendation”, there are views in the community which suggest that a lower threshold should be adopted and that there should be a cap on the

recommendations each person seeking nomination should obtain, as that would be conducive to encouraging more people with different background to participate in the election, and would enhance the competitiveness of the nominating process.

3.17 Besides, in view of the fact that the existing arrangement of named and joint nomination of CE candidates by members of the EC has proved to be effective, there are suggestions that when the CE election is implemented by the method of universal suffrage, at the stage of “members recommendation”, recommendations should continue to be named and submitted jointly by members so as to maintain the high transparency of the recommendation process.

3.18 During the stage of “committee nomination”, since the NC will nominate two to three candidates and those two to three candidates are required to obtain endorsement of more than half of all the members of the NC, the design of the nominating procedures has to be conducive to providing sufficient choice for the NC, and at the same time can facilitate the NC nominating two to three candidates smoothly. As such, in the Consultation Document, the HKSAR Government put forward four different procedures at the stage of “committee nomination” for consideration, namely, the “one person, three votes”, “one person, two to three votes”, “one person, maximum three votes”, and “voting on each person seeking nominations”. We notice that during the consultation period, there are views which suggest that the “one person, two to three votes” procedure is more conducive to selecting two to three candidates who are able to obtain endorsement of more than half of all the members of the NC; while there are also views which suggest that the “voting on each person seeking nominations” should be adopted (i.e., each member could support all persons seeking nomination, or support only some of such persons), so as to enable such persons to have more opportunity to seek NC members’ nomination on a fairer basis; and that members could consider each person seeking nomination more freely according to the merits of each person.

3.19 The HKSAR Government also notes that views in the community differ as regards whether an open or secret ballot should be adopted at the stage of “committee nomination”. There are views which suggest that as the nature of the nominating procedures is a nomination and not an election, nomination by

way of voting should be named and open, so as to strengthen public monitoring on members and enhance the accountability of members. On the other hand, there are views which suggest that secret ballot should be adopted for the nomination, so as to avoid pressure being exerted on individual members by requiring them to publicly express their support for certain persons seeking nomination. Voting by secret ballot is also in line with the common understanding of “voting” in public elections, which protects a voter’s expression of free will without being interfered, and therefore this issue should be considered carefully.

- 3.20 To enhance the competitiveness of the nominating procedures, the transparency of the operations of the NC, and the participation and influence of public opinions, the HKSAR Government suggested in the Consultation Document that an appropriate platform be provided for persons seeking nomination to have equal and adequate opportunities to explain their manifestoes and missions to all the members of the NC or even the public. We may consider providing a secretariat for the NC to provide relevant reference materials regarding the persons seeking nomination to the NC, so as to assist the NC to conduct the nominating procedures smoothly and in accordance with the law. Such suggestions could be handled through administrative arrangements, without the need for legislative amendments. Detailed arrangements will be dealt with at the next stage.

Recommendations

- 3.21 In view of the above considerations, the HKSAR Government suggests that when the selection of the CE by universal suffrage is to be implemented, the nominating procedures of the NC should be divided into two stages, namely, the stage of “members recommendation” and the stage of “committee nomination”. At the stage of “members recommendation”, we consider that a threshold lower than the existing requirement of nominations jointly by 150 EC members should be adopted, so as to encourage more interested persons to come forward to seek nomination. However, we consider that there should not be too many persons seeking nomination, so as to avoid the public being confused with the various manifestoes and views of those seeking nomination, and to ensure that the recommendation process will be conducted in an effective and orderly manner. Therefore, the HKSAR

Government suggests that a person who can obtain recommendation jointly by 120 NC members in their individual capacities could become a person seeking nomination for the CE election. Each NC member may recommend only one person. Besides, to allow more interested persons to participate in the election, and to provide the NC with more choices, we suggest that each person seeking nomination should obtain no more than 240 recommendations. According to these upper and lower limits for the “entry” threshold, the system could allow at least five and at most ten places for persons seeking nomination.

- 3.22 As for the stage of “committee nomination”, the HKSAR Government suggests that the NC should nominate two to three CE candidates through voting by secret ballot. Each member may vote for all persons seeking nomination, or may vote for only some of such persons. To facilitate the NC to better carry out the nominating function, so that all eligible voters of Hong Kong may have ample choices at the stage of universal suffrage, and to ensure the nominating procedures could smoothly select two to three candidates who can obtain the endorsement of more than half of all the NC members, each member should support at least two persons seeking nomination. The three persons seeking nomination who could obtain endorsement of more than half of all the members of the NC and with the highest number of members’ endorsement (or the two persons seeking nomination if only two such persons could meet these requirements) will become the candidates. Specific procedures for handling situations where no person, only one person, or more than three persons seeking nomination could obtain endorsement of more than half of all the NC members will be dealt with by local legislation.

(III) Voting Arrangements for Selecting the Chief Executive by Universal Suffrage

Constitutional provisions

- 3.23 Article 26 of the Basic Law provides that:

“Permanent residents of the Hong Kong Special Administrative Region shall have the right to vote and the right to stand for election in accordance with law.”

3.24 According to the NPCSC's Decision:

“All eligible electors of the Hong Kong Special Administrative Region have the right to vote in the election of the Chief Executive and elect one of the candidates for the office of Chief Executive in accordance with law.”

Considerations

3.25 At the stage of electing the CE by universal suffrage, all eligible voters of Hong Kong may elect the CE-elect from the two to three candidates nominated by the NC through “one person, one vote”.

3.26 In considering different voting systems, we have to consider whether the system is conducive to electing a person who is accepted by the community, whether it is practical in terms of actual operation, and whether it is simple, easy to understand, and would enable voters to express clearly their voting intentions.

3.27 At present, there are public elections in Hong Kong which adopt the “first-past-the-post” voting system, i.e., only one round of voting is held, without requiring candidates returned to obtain more than half of the total number of valid votes. There are views which consider that this system is simple and easy to understand, and requires less time and resources for holding an election. This is more helpful to the actual operation of the CE election process, since the process already involves a number of procedures (including voter registration, formation of the NC, the stage of recommendation, the stage of nomination, the stage of universal suffrage, etc.) However, there are also views which suggest that this system might not be able to ensure the CE-elect will have sufficient overall legitimacy in the community. In cases where there are three candidates in an election and none of them could obtain more than half of the total number of valid votes, the two-round voting system, which provides a second round of voting whereby voters could choose again from the two candidates obtaining the highest number of votes in the first round, would be able to return a candidate who is more widely accepted in the community. However, there are also views which suggest that this system would increase the time and resources required for holding an election. As for other voting systems, such as the instant runoff system or the supplementary vote system, they are relatively more complicated and are not familiar to most voters in Hong Kong.

3.28 Regarding the suggestion made during the consultation period on the so-called “blank-vote gate-keeping option” or the “none of the above option”, we note that such suggestion was not widely discussed nor accepted in the community during the consultation period. There are also controversies as to whether such suggestion might in law undermine the power of the NC to nominate candidates and hence fail to comply with the Basic Law. In view of this, the HKSAR Government finds it difficult to further process such suggestion.

Recommendations

3.29 In view of the above considerations, the HKSAR Government suggests that when the selection of the CE by universal suffrage is to be implemented, all eligible voters of Hong Kong will elect the CE-elect from the two to three candidates nominated by the NC using the “first-past-the-post” system, i.e., only a single round of voting will be held, without requiring the candidate returned to obtain more than half of the total number of valid votes. Unmarked ballot papers will continue to be treated as invalid ballots. This recommendation does not involve amendments to Annex I to the Basic Law, and the specific voting method will be prescribed by local legislation.

(IV) Other Related Issues for the Selection of the Chief Executive by Universal Suffrage

Term of Office of the Nominating Committee

Existing arrangements and constitutional provisions

3.30 According to Annex I to the Basic Law, the term of office of the existing EC is a term of five years.

3.31 According to Article 46 of the Basic Law, the term of office of the CE shall be five years. He or she may serve for not more than two consecutive terms.

3.32 According to Article 53 of the Basic Law, in the event that the office of the CE becomes vacant, a new CE shall be selected within six months in accordance with the provisions of Article 45 of the Basic Law.

- 3.33 Besides, according to the *Interpretation of Paragraph 2, Article 53 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China by the Standing Committee of the National People's Congress* adopted on 27 April 2005 ("2005 Interpretation"), in the event that the office of CE becomes vacant as he (she) fails to serve the full term of office of five years as prescribed by Article 46 of the Basic Law, the term of office of the new CE shall be the remainder of the previous CE. The full text of the 2005 Interpretation is at Annex VII.

Considerations

- 3.34 Under the existing arrangement, except in the event of vacancy as described in Article 53 of the Basic Law, both the election for the EC and the election for the CE are held once every five years, thus allowing the time for holding these two closely related elections to be aligned, and the overall term of office of the CE(s) elected by the EC would not exceed the period within which the same term of EC can exercise its power (i.e., five years).
- 3.35 Besides, in the event that the office of the CE becomes vacant, such arrangement can facilitate the selection of the new CE within the shortest period of time and in accordance with Article 53 of the Basic Law, thereby avoiding a prolonged period of vacancy of the CE office due to the time required to arrange elections for the EC subsectors for the formation of a new EC, and the impact on the policy implementation and operations of the HKSAR Government.

Recommendations

- 3.36 We recommend that the term of office of the NC should follow the existing arrangement of the EC, i.e., a five-year tenure. Since the term of office of the NC is five years, in the event the office of CE becomes vacant as the concerned CE fails to serve the full term of office of five years as prescribed by Article 46 of the Basic Law, we suggest that the existing arrangement shall continue to be adopted, i.e., the term of office of the new CE shall be the remainder of the previous CE.

Re-election Arrangements if the CE-elect were Not Appointed

Constitutional provisions

3.37 Article 15 of the Basic Law stipulates that:

“The Central People’s Government shall appoint the Chief Executive and the principal officials of the executive authorities of the Hong Kong Special Administrative Region in accordance with the provisions of Chapter IV of this Law.”

3.38 Article 45 of the Basic Law stipulates that:

“The Chief Executive of the Hong Kong Special Administrative Region shall be selected by election or through consultations held locally and be appointed by the Central People’s Government.”

3.39 According to the NPCSC’s Decision:

“The Chief Executive-elect, after being selected through universal suffrage, will have to be appointed by the Central People’s Government.”

Considerations

3.40 A CE-elect returned by election can only become the CE after he/she is appointed by the CPG, and this is a mandatory procedure prescribed by law. The HKSAR is a local administrative region which is directly under the CPG, and the CE must be appointed by the CPG. This power of appointment reflects the sovereignty of the State. The appointment of the CE by the CPG in accordance with the law is not a mere formality, but a substantive appointment. The CPG has the power to appoint or not to appoint.

3.41 At present, section 4 of the Chief Executive Election Ordinance (Cap. 569) (“CEEEO”) provides that the office of the CE becomes vacant:

- (i) on the expiry of the term of office of the CE;
- (ii) if the CE dies; or

(iii) if the CPG removes the CE from office in accordance with the Basic Law.

3.42 Section 11 of the CEEO provides that a new polling date shall be fixed for a by-election of the CE to be held in certain circumstances. Section 11(3) of the CEEO only provides for a by-election to be held on the 120th day after the expiry of the term of office of the serving CE (or the Sunday immediately following that day) where a CE candidate returned at an election cannot assume the office of the CE on 1 July. However, the current CEEO does not contain any provision which deals with the situation where the elected candidate is not appointed by the CPG before 1 July.

3.43 When the selection of the CE by universal suffrage is implemented, we have to consider whether the current CEEO should be amended to deal with the situation where a CE-elect returned by universal suffrage is not appointed by the CPG.

Recommendation

3.44 Article 45 of the Basic Law already provides that the CE has to be appointed by the CPG. When amending the local legislation, the HKSAR Government will consider how to deal with the issue in response to the CPG's appointment decision.

Political Affiliation of the Chief Executive

Existing arrangements

3.45 At present, the CEEO allows members of political parties to run for the office of the CE. However, candidates have to declare that they are running for the election in a personal capacity. If a member of a political party is elected, the person is required to publicly make a statutory declaration within seven working days after being elected to the effect that he / she is no longer a member of any political party, and provide a written undertaking to the effect that he / she will not become a member of any political party or be subject to the discipline of any political party during his / her term of office.

Considerations

- 3.46 Since there is currently no political party legislation in Hong Kong, different sectors of the community have yet to arrive at a clear consensus on the subject.

Recommendation

- 3.47 We suggest that, for the CE election in 2017, the requirement under the existing CEEO that the CE should not be a member of any political party should be maintained. This recommendation does not involve amendments to Annex I to the Basic Law.

Method for Selecting the Chief Executive After 2017

- 3.48 According to Article 45 of the Basic Law:

“The Chief Executive of the Hong Kong Special Administrative Region shall be selected by election or through consultations held locally and be appointed by the Central People’s Government.

The method for selecting the Chief Executive shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. 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.

The specific method for selecting the Chief Executive is prescribed in Annex I: ‘Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region’.”

- 3.49 According to Article 7 of Annex I to the Basic Law:

“If there is a need to amend the method for selecting the Chief Executives for the terms subsequent to the year 2007, such amendments must be made with the endorsement of a two-thirds majority of all the members of the Legislative Council and the consent of the Chief Executive, and they shall be reported to the Standing Committee of the National People's Congress for approval.”

- 3.50 According to the 2004 Interpretation of the NPCSC, as regards whether there is a need to make an amendment to the method for selecting the CE, the CE shall make a report to the NPCSC, and the NPCSC shall, in accordance with the provisions of Article 45 of the Basic Law, make a determination in light of the actual situation in the HKSAR and in accordance with the principle of gradual and orderly progress.
- 3.51 After the CE is selected by way of universal suffrage through “one person, one vote” by all eligible voters of Hong Kong in 2017, the ultimate aim of the selection of the CE by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures as prescribed in Article 45 of the Basic Law will have been attained. Should there be a need to amend the method for selecting the CE after 2017, we take the view that the provisions mentioned in paragraphs 3.48 to 3.50 above have already provided a clear legal basis for initiating such further amendments to the method for selecting the CE. Needless to say, whether or not there is a need to amend and to initiate the relevant amendment procedures will have to be considered by the then CE in accordance with the actual situation prevailing at that time.

Chapter Four: Proposals for the Method for Selecting the Chief Executive by Universal Suffrage

4.01 For the method for selecting the CE by universal suffrage, the HKSAR Government puts forward the proposals as follows.

(I) Composition and Formation Method of the Nominating Committee

4.02 The HKSAR Government suggests that when the selection of the CE by universal suffrage is to be implemented, the 1 200-member NC should be composed in accordance with the 38 subsectors in the four sectors of the existing EC; the subsectors of the NC and the number of members of each subsector should remain unchanged. It is suggested that the 38 subsectors should be maintained, and the respective number of members in each subsector are set out in Annex VI. Further, at the stage of amending the local legislation, we will suggest that the method for selecting the members of the 38 subsectors should remain unchanged and the electorate base of the 38 subsectors should remain largely unchanged; and that only necessary technical amendments will be made.

(II) Procedures for the Nominating Committee to Nominate Chief Executive Candidates

4.03 Regarding the procedures for the NC to nominate CE candidates, the nominating procedures of the NC should be divided into two stages, namely, the stage of “members recommendation” and the stage of “committee nomination”. At the stage of “members recommendation”, we consider that a threshold lower than the existing requirement of nominations jointly by 150 EC members should be adopted, so as to encourage more interested persons to come forward to seek nomination. However, we consider that there should not be too many persons seeking nomination, so as to avoid the public being confused with the various manifestoes and views of those seeking nomination, and to ensure that the recommendation process will be conducted in an effective and orderly manner. Therefore, the HKSAR Government suggests that a person who can obtain recommendation jointly by 120 NC members in their individual capacities could become a person seeking nomination for the CE election. Each NC member may recommend only one person. Besides, to allow more interested

persons to participate in the election, and to provide the NC with more choices, we suggest that each person should obtain no more than 240 recommendations. According to these upper and lower limits for the “entry” threshold, the system could allow at least five and at most ten places for persons seeking nomination.

- 4.04 As for the stage of “committee nomination”, the HKSAR Government suggests that the NC should nominate two to three CE candidates through voting by secret ballot. Each member may vote for all persons seeking nomination, or may vote for only some of such persons. To facilitate the NC to better carry out the nominating function, so that all eligible voters of Hong Kong may have ample choices at the stage of election by way of universal suffrage; and to ensure the nominating procedures could smoothly select two to three candidates who can obtain the endorsement of more than half of all the NC members, each member should support at least two persons seeking nomination. The three persons seeking nomination who could obtain endorsement of more than half of all the members of the NC and with the highest number of members’ endorsement (or the two persons seeking nomination if only two such persons could meet these requirements) will become the candidates. Specific procedures for handling situations where no person, only one person, or more than three persons seeking nomination could obtain endorsement of more than half of all the NC members will be dealt with by local legislation.

(III) Voting Arrangements for Selecting the Chief Executive by Universal Suffrage

- 4.05 Regarding the voting arrangements for selecting the CE by universal suffrage, all eligible voters of Hong Kong will elect the CE-elect from the two to three candidates nominated by the NC using the “first-past-the-post” system, i.e., only a single round of voting will be held, without requiring the candidate returned to obtain more than half of the total number of valid votes. Unmarked ballot papers will continue to be treated as invalid ballots. This recommendation does not involve amendments to Annex I to the Basic Law, and the specific voting method will be prescribed by local legislation.

(IV) Other Related Issues for the Selection of the Chief Executive by Universal Suffrage

- 4.06 The term of office of the NC should follow the existing arrangement of the EC, i.e., a five-year tenure. Since the term of office of the NC is five years, in the event that the office of CE becomes vacant as the concerned CE fails to serve the full term of office of five years as prescribed by Article 46 of the Basic Law, we suggest that the existing arrangement shall continue to be adopted, i.e., the term of office of the new CE shall be the remainder of the previous CE.
- 4.07 As for the re-election arrangements if the CE-elect were not appointed, Article 45 of the Basic Law already provides that the CE has to be appointed by the CPG. When amending the local legislation, the HKSAR Government will consider how to deal with the issue in response to the CPG's appointment decision.
- 4.08 Regarding the political affiliation of the CE, we suggest that, for the CE election in 2017, the requirement under the current Chief Executive Election Ordinance (Cap. 569) that the CE should not be a member of any political party should be maintained. This recommendation does not involve amendments to Annex I to the Basic Law.
- 4.09 In accordance with the proposals above, the draft motion to be put by the HKSAR Government to the LegCo on the amendments to Annex I to the Basic Law regarding the method for selecting the CE is at Annex VIII for reference.

Chapter Five: Next Step

- 5.01 According to the 2004 Interpretation of the NPCSC, the bills on the amendments to the method for selecting the CE and the proposed amendments to such bills shall be introduced by the HKSAR Government into the LegCo. The draft amendments will be submitted to the LegCo by way of motion. The amendments appended to the motion are the “bills” referred to in the 2004 Interpretation of the NPCSC. In other words, according to the 2004 Interpretation, Members of the LegCo may not introduce any amendments to the draft amendments proposed by the HKSAR Government. According to Annex I to the Basic Law as well as the 2004 Interpretation of the NPCSC and its relevant decisions, the amendments should have effect only after they have had the endorsement of a two-thirds majority of all the Members of the LegCo, the consent of the CE, and the approval of the NPCSC.
- 5.02 The HKSAR Government aims at securing the LegCo’s endorsement of the motion on the amendment to Annex I to the Basic Law regarding the method for selecting the CE before the end of the 2014-2015 legislative year.
- 5.03 After the relevant motion has obtained the endorsement of the LegCo, the consent of the CE, and the approval of the NPCSC, we will strive to introduce to the LegCo the proposals to amend the relevant local legislation before the end of 2015, so as to implement the detailed arrangements regarding the method for selecting the CE by universal suffrage to allow all eligible voters of Hong Kong to elect the next CE by universal suffrage in 2017 as scheduled.
- 5.04 According to the NPCSC’s Decision:
- “IV. If the specific method of universal suffrage for selecting the Chief Executive is not adopted in accordance with legal procedures, the method used for selecting the Chief Executive for the preceding term shall continue to apply.”

Besides,

“After the election of the Chief Executive by universal suffrage, the election of all the members of the Legislative Council of the Hong Kong Special Administrative Region may be implemented by the method of universal suffrage.”

In other words, if the motion to amend Annex I to the Basic Law regarding the method for selecting the CE is not endorsed by the LegCo, the CE in 2017 would continue to be elected by the 1 200-member EC, and it would then be even more difficult to know when the aim of selecting all the Members of the LegCo by universal suffrage could be achieved. The constitutional development of Hong Kong will inevitably come to a standstill.

- 5.05 If universal suffrage for the CE election could be implemented in 2017, the CE returned by universal suffrage and the HKSAR Government under his / her leadership would be able to discuss further the method for selecting all the Members of the LegCo by universal suffrage.

Constitutional and Mainland Affairs Bureau
April 2015

(Translation)

The Interpretation by the Standing Committee of the National People's Congress of Article 7 of Annex I and Article III of Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China

(Adopted at the Eighth Session of the Standing Committee of the Tenth National People's Congress on 6 April 2004.)

The Standing Committee of the Tenth National People's Congress examined at its Eighth Session the motion regarding the request for examination of "The Draft Interpretation of Article 7 of Annex I and Article III of Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China" submitted by the Council of Chairmen. Having consulted the Committee for the Basic Law of the Hong Kong Special Administrative Region under the Standing Committee of the National People's Congress, the Standing Committee of the National People's Congress has decided to make, under the provisions of Article 67(4) of the Constitution of the People's Republic of China and Article 158(1) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, an interpretation of the provisions of Article 7 of Annex I "Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region" to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China regarding "If there is a need to amend the method for selecting the Chief Executives for the terms subsequent to the year 2007, such amendments must be made with the endorsement of a two-thirds majority of all the members of the Legislative Council and the consent of the Chief Executive, and they shall be reported to the Standing Committee of the National People's Congress for approval" and the provisions of Article III of Annex II "Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and Its Voting Procedures" regarding "With regard to the method for forming the Legislative Council of the Hong Kong Special Administrative Region and its procedures for voting on bills and motions after 2007, if there is a need to amend the provisions of this Annex, such amendments must be made with the endorsement of a two thirds majority of all the members of the Council and the consent of the Chief Executive, and they shall be reported to the Standing

Committee of the National People's Congress for the record" as follows:

1. The phrases "subsequent to the year 2007" and "after 2007" stipulated in the two above-mentioned Annexes include the year 2007.
2. The provisions in the two above-mentioned Annexes that "if there is a need" to amend the method for selecting the Chief Executives for the terms subsequent to the year 2007 or the method for forming the Legislative Council and its procedures for voting on bills and motions after 2007 mean they may be amended or remain unamended.
3. The provisions in the two above-mentioned Annexes that any amendment must be made with the endorsement of a two-thirds majority of all the members of the Legislative Council and the consent of the Chief Executive and shall be reported to the Standing Committee of the National People's Congress for approval or for the record mean the requisite legislative process through which the method for selecting the Chief Executive and the method for forming the Legislative Council and its procedures for voting on bills and motions are amended. Such an amendment may take effect only if it has gone through the said process, including the approval or recording ultimately given or made by the Standing Committee of the National People's Congress in accordance with law. The Chief Executive of the Hong Kong Special Administrative Region shall make a report to the Standing Committee of the National People's Congress as regards whether there is a need to make an amendment; and the Standing Committee of the National People's Congress shall, in accordance with the provisions of Articles 45 and 68 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, make a determination 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 bills on the amendments to the method for selecting the Chief Executive and the method for forming the Legislative Council and its procedures for voting on bills and motions and the proposed amendments to such bills shall be introduced by the Government of the Hong Kong Special Administrative Region into the Legislative Council.

4. If no amendment is made to the method for selecting the Chief Executive, the method for forming the Legislative Council and its procedures for voting on bills and motions as stipulated in the two above-mentioned Annexes, the provisions relating to the method for selecting the Chief Executive in Annex I will still be applicable to the method for selecting the Chief Executive, and the provisions relating to the method for forming the third term of the Legislative Council in Annex II and the provisions relating to its procedures for voting on bills and motions in Annex II will still be applicable to the method for forming the Legislative Council and its procedures for voting on bills and motions.

This Interpretation is hereby proclaimed.

(Translation)

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

(Adopted at the Tenth Session of the Standing Committee of the Twelfth National People's Congress on 31 August 2014)

The Standing Committee of the Twelfth National People's Congress considered at its Tenth Session the *Report on whether there is a need to amend the methods for selecting the Chief Executive of the Hong Kong Special Administrative Region in 2017 and for forming the Legislative Council of the Hong Kong Special Administrative Region in 2016* submitted by Leung Chun-ying, the Chief Executive of the Hong Kong Special Administrative Region, on 15 July 2014. In the course of deliberation, the relevant views and suggestions of the Hong Kong community were given full consideration.

The Session points out that according to the *Decision of the Standing Committee of the National People's Congress on Issues Relating to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2012 and on Issues Relating to Universal Suffrage* adopted by the Standing Committee of the Tenth National People's Congress at its Thirty-first Session on 29 December 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; at an appropriate time prior to the selection of the Chief Executive of the Hong Kong Special Administrative Region by universal suffrage, the Chief Executive shall make a report to the Standing Committee of the National People's Congress as regards the issue of amending the method for selecting the Chief Executive in accordance with the relevant provisions of the *Hong Kong Basic Law* and the *Interpretation by the Standing Committee of the National People's Congress of Article 7 of Annex I and Article III of Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China*, and a determination thereon

shall be made by the Standing Committee of the National People's Congress. From 4 December 2013 to 3 May 2014, the Government of the Hong Kong Special Administrative Region conducted an extensive and in-depth public consultation on the methods for selecting the Chief Executive in 2017 and for forming the Legislative Council in 2016. In the course of consultation, the Hong Kong community generally expressed the hope to see the selection of the Chief Executive by universal suffrage in 2017, and broad consensus was reached on important principles such as: the method for selecting the Chief Executive by universal suffrage shall comply with the *Hong Kong Basic Law* and the relevant *Decisions* of the Standing Committee of the National People's Congress and the Chief Executive shall be a person who loves the country and loves Hong Kong. With respect to the methods for selecting the Chief Executive by universal suffrage in 2017 and for forming the Legislative Council in 2016, the Hong Kong community put forward various views and suggestions. It was on this basis that the Chief Executive of the Hong Kong Special Administrative Region made a report to the Standing Committee of the National People's Congress on issues relating to amending the methods for selecting the Chief Executive in 2017 and for forming the Legislative Council in 2016. The Session is of the view that the report complies with the requirements of the *Hong Kong Basic Law*, the *Interpretation by the Standing Committee of the National People's Congress of Article 7 of Annex I and Article III of Annex II to the Hong Kong Basic Law* and the relevant *Decisions* of the Standing Committee of the National People's Congress, and reflects comprehensively and objectively the views collected during the public consultation; and is thus a positive, responsible and pragmatic report.

The Session is of the view that implementing universal suffrage for the selection of the Chief Executive represents a historic progress in Hong Kong's democratic development and a significant change in the political structure of the Hong Kong Special Administrative Region. Since the long-term prosperity and stability of Hong Kong and the sovereignty, security and development interests of the country are at stake, there is a need to proceed in a prudent and steady manner. The selection of the Chief Executive of the Hong Kong Special Administrative Region by universal suffrage has its origin in Paragraph 2 of Article 45 of the *Hong Kong Basic Law*: "The method for selecting the Chief Executive shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. 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.” The formulation of the method for selecting the Chief Executive by universal suffrage must strictly comply with the relevant provisions of the *Hong Kong Basic Law*, accord with the principle of “one country, two systems”, and befit the legal status of the Hong Kong Special Administrative Region. It must meet the interests of different sectors of the society, achieve balanced participation, be conducive to the development of the capitalist economy, and make gradual and orderly progress in developing a democratic system that suits the actual situation in Hong Kong. Given the divergent views within the Hong Kong community on how to implement the *Hong Kong Basic Law* provisions on universal suffrage for selecting the Chief Executive, and in light of the constitutional responsibility of the Standing Committee of the National People’s Congress for the proper implementation of the *Hong Kong Basic Law* and for deciding on the method for the selection of the Chief Executive, the Standing Committee of the National People’s Congress finds it necessary to make provisions on certain core issues concerning the method for selecting the Chief Executive by universal suffrage, so as to facilitate the building of consensus within the Hong Kong community and the attainment of universal suffrage for the selection of the Chief Executive smoothly and in accordance with law.

The Session is of the view that since the Chief Executive of the Hong Kong Special Administrative Region shall be accountable to both the Hong Kong Special Administrative Region and the Central People’s Government in accordance with the provisions of the *Hong Kong Basic Law*, the principle that the Chief Executive has to be a person who loves the country and loves Hong Kong must be upheld. This is a basic requirement of the policy of “one country, two systems”. It is determined by the legal status as well as important functions and duties of the Chief Executive, and is called for by the actual need to maintain long-term prosperity and stability of Hong Kong and uphold the sovereignty, security and development interests of the country. The method for selecting the Chief Executive by universal suffrage must provide corresponding institutional safeguards for this purpose.

The Session is of the view that the amendments made to the method for forming the fifth term Legislative Council in 2012 represented major strides towards the direction of enhancing democracy. The existing formation method and voting procedures for the Legislative Council as prescribed in Annex II to the *Hong Kong Basic Law* will not be amended, and will continue to apply in respect of the sixth term Legislative Council in 2016. This is consistent with the principle of gradual and orderly progress in developing a democratic system that suits Hong Kong’s actual

situation and conforms to the majority view in the Hong Kong community. It also helps the various sectors of the Hong Kong community to focus their efforts on addressing the issues concerning universal suffrage for selecting the Chief Executive first, thus creating the conditions for attaining the aim of electing all the members of the Legislative Council by universal suffrage after the implementation of universal suffrage for the selection of the Chief Executive.

Accordingly, pursuant to the relevant provisions of the *Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China*, the *Interpretation by the Standing Committee of the National People's Congress of Article 7 of Annex I and Article III of Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China* and the *Decision of the Standing Committee of the National People's Congress on Issues Relating to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2012 and on Issues Relating to Universal Suffrage*, the Standing Committee of the National People's Congress makes the following decision:

I. Starting from 2017, the selection of the Chief Executive of the Hong Kong Special Administrative Region may be implemented by the method of universal suffrage.

II. When the selection of the Chief Executive of the Hong Kong Special Administrative Region is implemented by the method of universal suffrage:

(1) A broadly representative nominating committee shall be formed. The provisions for 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 Chief Executive.

(2) The nominating committee shall nominate two to three candidates for the office of Chief Executive in accordance with democratic procedures. Each candidate must have the endorsement of more than half of all the members of the nominating committee.

(3) All eligible electors of the Hong Kong Special Administrative Region have the right to vote in the election of the Chief Executive and elect one of the candidates for the office of Chief Executive in accordance with law.

(4) The Chief Executive-elect, after being selected through universal suffrage, will have to be appointed by the Central People's Government.

III. The specific method of universal suffrage for selecting the Chief Executive shall be prescribed in accordance with legal procedures through amending Annex I to the *Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China: The Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region*. The bill on the amendments and the proposed amendments to such bill shall be introduced by the Hong Kong Special Administrative Region Government to the Legislative Council of the Hong Kong Special Administrative Region in accordance with the *Hong Kong Basic Law* and the provisions of this *Decision*. Such amendments shall obtain the endorsement of a two-thirds majority of all the members of the Legislative Council and the consent of the Chief Executive before being submitted to the Standing Committee of the National People's Congress for approval.

IV. If the specific method of universal suffrage for selecting the Chief Executive is not adopted in accordance with legal procedures, the method used for selecting the Chief Executive for the preceding term shall continue to apply.

V. The existing formation method and voting procedures for the Legislative Council as prescribed in Annex II to the *Hong Kong Basic Law* will not be amended. The formation method and procedures for voting on bills and motions of the fifth term Legislative Council will continue to apply to the sixth term Legislative Council of the Hong Kong Special Administrative Region in 2016. After the election of the Chief Executive by universal suffrage, the election of all the members of the Legislative Council of the Hong Kong Special Administrative Region may be implemented by the method of universal suffrage. At an appropriate time prior to the election of the Legislative Council by universal suffrage, the Chief Executive elected by universal suffrage shall submit a report to the Standing Committee of the National People's Congress in accordance with the relevant provisions of the *Hong Kong Basic Law* and the *Interpretation by the Standing Committee of the National People's Congress of Article 7 of Annex I and Article III of Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China* as regards the issue of amending the method for forming the Legislative Council. A determination thereon shall be made by the Standing Committee of the National People's Congress.

The Session stresses that it is the consistent position of the central authorities to implement resolutely and firmly the principles of “one country, two systems”, “Hong Kong people administering Hong Kong” and a high degree of autonomy, strictly adhere to the *Hong Kong Basic Law* and steadily take forward the selection of the Chief Executive by universal suffrage in 2017. It is hoped that the Hong Kong Special Administrative Region Government and all sectors of the Hong Kong community will act in accordance with the provisions of the *Hong Kong Basic Law* and this *Decision* and jointly work towards the attainment of the aim of selecting the Chief Executive by universal suffrage.

(Translation)

Explanations on the Draft 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

At the Tenth Session of the Standing Committee of the Twelfth National People's Congress on 27 August 2014

Li Fei
Deputy Secretary General of
The Standing Committee of the National People's Congress

The Standing Committee of the National People's Congress,

At the request of the Chairmen's Council, I hereby provide Explanations on the *Draft 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*.

In accordance with the provisions of the *Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China* (hereinafter referred to as the "Hong Kong Basic Law") and the *Interpretation by the Standing Committee of the National People's Congress of Article 7 of Annex I and Article III of Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China*, Leung Chun-ying, Chief Executive of the Hong Kong Special Administrative Region, submitted the *Report on whether there is a need to amend the methods for selecting the Chief Executive of the Hong Kong Special Administrative Region in 2017 and for forming the Legislative Council of the Hong Kong Special Administrative Region in 2016* (hereinafter referred to as the "Report by the Chief Executive") to the NPC Standing Committee on 15 July 2014. On 18 August, the

Chairmen's Council decided to include the consideration of the Report by the Chief Executive in the agenda of the Tenth Session of the Standing Committee of the Twelfth NPC, and entrusted the responsible officials of the relevant departments of the central authorities to listen to the views of the NPC deputies and members of the Chinese People's Political Consultative Conference from the Hong Kong Special Administrative Region, the Hong Kong members of the Hong Kong Special Administrative Region Basic Law Committee under the NPC Standing Committee, and people from various sectors of the Hong Kong community. Opinions of the Hong Kong and Macao Affairs Office of the State Council were also solicited. On 26 August, the NPC Standing Committee held group discussions on the Report by the Chief Executive.

The members of the NPC Standing Committee pointed out that, as stipulated in Paragraph 2 of Article 45 of the *Hong Kong Basic Law*, "The method for selecting the Chief Executive shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. 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." The *Decision of the Standing Committee of the National People's Congress on Issues Relating to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2012 and on Issues Relating to Universal Suffrage* adopted on 29 December 2007 expressly states, "that 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." The *Decision* also reaffirms the relevant provisions of the *Hong Kong Basic Law* and its *Interpretation* that at an appropriate time prior to the selection of the Chief Executive of the Hong Kong Special Administrative Region by universal suffrage, the Chief Executive shall make a report to the NPC Standing Committee as regards the issue of amending the method for selecting the Chief Executive, and a determination thereon shall be made by the NPC Standing Committee. The members of the NPC Standing Committee believe that since the year 2017 is approaching, it is now necessary to make a decision on issues relating to the methods for selecting the Chief Executive in 2017 and for forming the Legislative Council in 2016. The Report submitted by the

Chief Executive to the NPC Standing Committee is necessary and timely.

The Report reflects in a comprehensive and objective manner the views and wishes of the Hong Kong community regarding the methods for selecting the Chief Executive by universal suffrage and for forming the Legislative Council in 2016, which include both consensus and differences. It is a positive, responsible and pragmatic report.

The members of the Standing Committee are of the view that implementing universal suffrage for the selection of the Chief Executive of the Hong Kong Special Administrative Region represents a historic progress in Hong Kong's democratic development and a significant change in the political structure of the Hong Kong Special Administrative Region. Since the long-term prosperity and stability of Hong Kong and the sovereignty, security and development interests of the country are at stake, there is a need to proceed in a prudent and steady manner, so as to prevent all sorts of possible risks that may arise therefrom. Since the selection of the Chief Executive of the Hong Kong Special Administrative Region by universal suffrage has its origin in the provisions of the *Hong Kong Basic Law*, the formulation of the method for selecting the Chief Executive by universal suffrage must strictly comply with the relevant provisions of the *Hong Kong Basic Law*, accord with the principle of "one country, two systems", and befit the legal status of the Hong Kong Special Administrative Region. It must meet the interests of different sectors of the society, achieve balanced participation, and be conducive to the development of the capitalist economy, with a view to making gradual and orderly progress in developing a democratic system that suits the actual situation in Hong Kong. **The members of the Standing Committee take the view** that when formulating the basic policies on Hong Kong, the central authorities have already clearly defined the scope and criteria for the principle of "Hong Kong people administering Hong Kong", that is, Hong Kong must be administered by the Hong Kong people, with patriots being the mainstay. According to the *Hong Kong Basic Law*, the Chief Executive of the Hong Kong Special Administrative Region is the head of both the Hong Kong Special Administrative Region and the Hong Kong Special Administrative Region Government, and shall be accountable to both the Hong Kong Special Administrative Region and the Central People's Government. The Chief Executive must swear to uphold the *Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China* and swear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China. Therefore, the Chief Executive of the Hong Kong Special Administrative Region must be a person who loves

the country and loves Hong Kong. This is a basic requirement of the policy of “one country, two systems”. It is determined by the legal status and important functions and duties of the Chief Executive as stipulated in the *Hong Kong Basic Law*, and called for by the actual need to maintain long-term prosperity and stability of Hong Kong and uphold the sovereignty, security and development interests of the country. The method for selecting the Chief Executive by universal suffrage should provide corresponding institutional safeguards for this purpose.

The members of the NPC Standing Committee take the view that although 17 years have passed since the return of Hong Kong to the motherland, there is still a small number of people in the Hong Kong community who do not properly understand the policy of “one country, two systems”, do not abide by the *Hong Kong Basic Law* or acknowledge the Central Government’s governing power over Hong Kong. On the issue of universal suffrage for the Chief Executive, there are divergent views within the Hong Kong community. A small number of people have even raised views that are contrary to the *Hong Kong Basic Law* and openly advocated illegal activities. Such developments will inevitably undermine the rule of law of the Hong Kong Special Administrative Region, the interests of Hong Kong residents and foreign investors and the long-term prosperity and stability of Hong Kong, and hence merit close attention. **The members of the NPC Standing Committee take the view** that given its constitutional responsibility for the proper implementation of the *Hong Kong Basic Law* and for making decision on the method for selecting the Chief Executive, it is necessary for the NPC Standing Committee to make provisions on certain core issues concerning the method of universal suffrage for the selection of the Chief Executive, so as to facilitate the building of consensus within the Hong Kong community and ensure that the selection of the Chief Executive by universal suffrage will proceed on the right track as laid down by the *Hong Kong Basic Law* and the relevant *Decisions* of the NPC Standing Committee.

The Hong Kong and Macao Affairs Office of the State Council takes the view that although the views are quite divergent in the Hong Kong community with regard to the specific method of universal suffrage for the selection of the Chief Executive, various sectors of the Hong Kong community generally hope to see the selection of the Chief Executive by universal suffrage in 2017. Therefore, in accordance with the relevant *Decision* of the NPC Standing Committee adopted on 29 December 2007, the implementation of the selection of the Chief Executive of the Hong Kong Special Administrative Region by universal

suffrage in 2017 may be approved. At the same time, it is necessary to make provisions on the core issues concerning the method of universal suffrage for selecting the Chief Executive, which will be conducive to building further consensus in the Hong Kong community. The method for forming the Legislative Council in 2016 may remain unchanged.

Acting in accordance with the provisions of the *Hong Kong Basic Law* and the views of the members of the NPC Standing Committee on the Report by the Chief Executive, and having taken into full account the views of the Hong Kong and Macao Affairs Office of the State Council and the views of the Report by the Chief Executive, the Chairmen's Council has introduced the *Draft 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* (Draft Decision). I will now provide Explanations on the *Draft Decision* as follows.

1. On the selection of the Chief Executive by universal suffrage starting from 2017

In accordance with the *Hong Kong Basic Law*, the relevant *Decision* of the NPC Standing Committee on 29 December 2007 and the views of the members of the NPC Standing Committee, Article I of the *Draft Decision* provides that: "Starting from 2017, the selection of the Chief Executive of the Hong Kong Special Administrative Region may be implemented by the method of universal suffrage." The major considerations with regard to this provision are:

First, the wording in the *Draft Decision* is "Starting from 2017, the selection of the Chief Executive of the Hong Kong Special Administrative Region may be implemented by the method of universal suffrage", meaning that the selection of the fifth Chief Executive in 2017 and all the Chief Executives thereafter may be implemented by the method of universal suffrage.

Second, Article 45 of the *Hong Kong Basic Law* provides that the ultimate aim is the selection of the Chief Executive by universal suffrage. The relevant *Decision* of the NPC Standing Committee on 29 December 2007 further provides that "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". Article I of the

Draft Decision has made it clear that the selection of the Chief Executive in 2017 and of all the Chief Executives thereafter may be implemented by the method of universal suffrage, which accords with the *Hong Kong Basic Law* and the above-mentioned *Decision* of the NPC Standing Committee.

Third, as a result of years of discussion on the issue of universal suffrage for selecting the Chief Executive, the Hong Kong community has reached consensus on four points, i.e., the Hong Kong community generally hopes to see the implementation of universal suffrage for the selection of the Chief Executive in 2017; it generally agrees that the method of universal suffrage for the Chief Executive should be formulated in accordance with the *Hong Kong Basic Law* and the relevant *Interpretation* and *Decisions* of the NPC Standing Committee; it generally agrees that the successful implementation of universal suffrage for the selection of the Chief Executive will bring about positive impact on the sustained development and the long-term prosperity and stability of Hong Kong; and it generally agrees that Chief Executive candidates should be persons who love the country and love Hong Kong. The implementation of the election of the Chief Executive by the method of universal suffrage as of 2017 meets the common aspiration of the Hong Kong community.

2. On the provisions on the core issues of universal suffrage for the Chief Executive

Article 45 of the *Hong Kong Basic Law* has already set out quite clear provisions on universal suffrage for selecting the Chief Executive. In accordance with the *Hong Kong Basic Law*, the views of the members of the NPC Standing Committee and those from others, Article II of the *Draft Decision* has made the following provisions on the core issues of universal suffrage for the Chief Executive:

(1) On the composition of the nominating committee

Paragraph (1) of Article II of the *Draft Decision* provides that: “The provisions for 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 Chief Executive.” According to this provision, the nominating committee to be defined by amendments to Annex I to the *Hong Kong Basic Law* shall follow the current composition of the Election Committee, which consists of 1,200 members from four major sectors in equal proportions, and keep the existing

method for selecting the members as provided for by Annex I to the *Hong Kong Basic Law*. The major considerations with regard to this provision are:

First, considering the legislative intent of the *Hong Kong Basic Law*, the expression “broadly representative” in the context of “a broadly representative nominating committee”, as provided in Paragraph 2 of Article 45 of the *Hong Kong Basic Law*, carries the same meaning as that in “a broadly representative Election Committee”, as provided in Annex I to the *Hong Kong Basic Law*. That is, the committee shall be composed of members from four sectors in equal proportions, the delimitation of the various sectors, the organizations in each sector eligible to return members and the number of such members to be returned by each of these organizations shall be prescribed by the electoral law enacted by the Hong Kong Special Administrative Region, 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. The provision in the relevant *Decision* of the NPC Standing Committee on 29 December 2007 that “the nominating committee may be formed with reference to the current provisions regarding the Election Committee in Annex I to the *Hong Kong Basic Law*”, indicates clearly the common theme between the nominating committee and the Election Committee as regards formation. Since there remains different understanding in the Hong Kong community on this issue, it is necessary to make further clarifications with a view to properly implementing the provisions of the *Hong Kong Basic Law*.

Second, the method for forming the Election Committee to elect the Chief Executive was based on the consensus forged during the extensive consultations and discussions when drafting the *Hong Kong Basic Law*. Past elections for the Chief Executive since the return of Hong Kong have proven that the Election Committee has covered representative figures from all sectors of the Hong Kong community and achieved balanced participation of all sectors, and is therefore in conformity with the actual situation of Hong Kong. Composing the nominating committee in line with the formation of the current Election Committee meets the requirements of both the relevant provisions of the *Hong Kong Basic Law* and the objective need to ensure balanced participation and fend off various risks during election of the Chief Executive by universal suffrage.

Third, there are relatively more views in the Hong Kong community that the composition of the nominating committee should be decided with reference to the existing method for forming the Election Committee.

There are considerable views that the number of members, composition and formation method of the nominating committee should be determined by following the existing provisions of the Election Committee. Bearing in mind that the provisions regarding the Election Committee for the fourth Chief Executive were made in 2010 alongside amendments to the method for selecting the Chief Executive and approved by the NPC Standing Committee, and that the total number of seats of the Election Committee was increased from 800 to 1,200, with such increase being made in equal proportions for all four sectors, and with the endorsement and support from all sides, it is relatively appropriate to provide for the nominating committee to have the same number of members, composition and formation method as the Election Committee.

(2) On the number of Chief Executive candidates

Paragraph (2) of Article II of the *Draft Decision* stipulates that “The nominating committee shall nominate two to three candidates for the office of Chief Executive in accordance with democratic procedures”. The major considerations with regard to this provision are:

First, the stipulation to have two to three candidates for the office of the Chief Executive is made to ensure a truly competitive election and present voters with real choices. It could also serve to avoid problems such as complicated electoral procedures and high election costs caused by having too many candidates.

Second, since the return of Hong Kong, almost all elections for the Chief Executive were conducted each with a candidacy of two to three. It fits relatively well with the experience gained from previous elections in Hong Kong to set the number of candidates at two to three.

(3) On the need of a Chief Executive candidate to have the endorsement of more than half of the members of the nominating committee

Paragraph (2) of Article II of the *Draft Decision* stipulates that “Each candidate must have the endorsement of more than half of all the members of the nominating committee”. The major considerations with regard to this provision are:

First, the nominating committee as provided for by the *Hong Kong Basic Law* is a specialized institution for nomination. It collectively exercises the power to nominate Chief Executive candidates as an institution, and must therefore reflect the collective will of the institution. The “democratic procedures” stipulated in Paragraph 2 of Article 45 of

the *Hong Kong Basic Law* should follow the democratic principle of majority rule so as to reflect the requirement that the nominating committee exercises power in a collective manner. Hence, it is appropriate to stipulate that a person contending for nomination as the Chief Executive candidate must obtain the support of more than half of the members of the nominating committee.

Second, the nominating committee will comprise members from the four sectors in equal proportions. The stipulation that contenders for nomination as the Chief Executive candidates must obtain the support of more than half of the members of the nominating committee means that candidates need to obtain a certain extent of support from each sector of the nominating committee. This will help fulfill the principle of balanced participation and meet the interests of various sectors of the Hong Kong community.

Third, the Report by the Chief Executive indicates considerable views of the Hong Kong community that a person contending for nomination as the Chief Executive candidate has to obtain support from a certain proportion of members of the nominating committee. Among the views heard by the General Office of the NPC Standing Committee, quite a number of people called for the proportion to be specified. Therefore, the further clarification that a person contending for nomination as the Chief Executive candidate must obtain the endorsement of more than half of the members of the nominating committee, is consistent with the provisions of the *Hong Kong Basic Law*, and will facilitate consensus building in the Hong Kong community.

(4) On the method for voting in the election for the Chief Executive

Article 26 of the *Hong Kong Basic Law* stipulates that “Permanent residents of the Hong Kong Special Administrative Region shall have the right to vote and the right to stand for election in accordance with law”. On that basis, Paragraph (3) of Article II of the *Draft Decision* stipulates that “All eligible electors of the Hong Kong Special Administrative Region have the right to vote in the election of the Chief Executive and elect one of the candidates for the office of Chief Executive in accordance with law”. According to this provision, each and every eligible elector shall have the right to directly participate in electing the Chief Executive. It fulfills the principle of universal and equal electoral right and marks a historic step forward in Hong Kong’s democratic development.

(5) On appointment of the Chief Executive

Paragraph 1 of Article 45 of the *Hong Kong Basic Law* provides that “The Chief Executive of the Hong Kong Special Administrative Region shall be selected by election or through consultations held locally and be appointed by the Central People’s Government.” Based on this provision, Paragraph (4) of Article II of the *Draft Decision* stipulates that “The Chief Executive-elect, after being selected through universal suffrage, will have to be appointed by the Central People’s Government”. The central authorities, in formulating the basic policies with respect to Hong Kong and the *Hong Kong Basic Law*, already clearly pointed out that the power of the Central People’s Government to appoint the Chief Executive of the Hong Kong Special Administrative Region is a substantive one. The Central People’s Government has the right to make the final decision on whether to appoint or not to appoint the Chief Executive returned by election held locally in Hong Kong.

3. On proposing amendments to the method for selecting the Chief Executive

The specific method for selecting the Chief Executive is stipulated in Annex I to the *Hong Kong Basic Law*. To amend the method for selecting the Chief Executive, a bill on amending the method for selecting the Chief Executive as well as relevant amendments to such bill shall be proposed by the Government of the Hong Kong Special Administrative Region in accordance with the relevant *Decisions* of the NPC Standing Committee. Accordingly, Article III of the *Draft Decision* stipulates that “The specific method of universal suffrage for the Chief Executive shall be prescribed in accordance with legal procedures through amending Annex I to the *Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China: The Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region*. The bill on the amendments and the proposed amendments to such bill shall be introduced by the Hong Kong Special Administrative Region Government to the Legislative Council of the Hong Kong Special Administrative Region in accordance with the *Hong Kong Basic Law* and the provisions of this *Decision*. Such amendments shall obtain the endorsement of a two-thirds majority of all the members of the Legislative Council and the consent of the Chief Executive before being submitted to the Standing Committee of the National People’s Congress for approval.”

4. On continued application of existing provisions relating to the method for selecting the Chief Executive if no amendment is made to the method

Pursuant to the *Interpretation* made by the NPC Standing Committee in 2004, if no amendment is made to the method, existing provisions relating to the method for selecting the Chief Executive, the method for forming the Legislative Council and the procedures for voting on bills and motions will remain applicable. In 2007, the NPC Standing Committee reaffirmed the above position in its *Decision on Issues Relating to the Methods for Selecting the Chief Executive and Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2012 and on Issues Relating to Universal Suffrage*. In the premises, Article IV of the *Draft Decision* stipulates that “If the specific method of universal suffrage for selecting the Chief Executive is not adopted in accordance with legal procedures, the method used for selecting the Chief Executive for the preceding term shall continue to apply.”

5. On the issue of amending the method for forming the Legislative Council in 2016

As pointed out by the Report by the Chief Executive, the Hong Kong community generally agrees that efforts should now be focused on the proper handling of the election of the Chief Executive by universal suffrage; and that as relatively substantial amendments were made to the method for forming the Legislative Council in 2012, there is no need to amend Annex II to the *Hong Kong Basic Law* regarding the method for forming the Legislative Council in 2016. Upon deliberation, the members of the NPC Standing Committee are of the view that the amended method for forming the fifth term Legislative Council of the Hong Kong Special Administrative Region in 2012 already marked a major step towards greater democracy, and no amendment shall be made to the existing method for forming the Legislative Council and to the procedures for voting as prescribed in Annex II to the *Hong Kong Basic Law*, which is to say that the current formation method and procedures for voting will continue to apply to the sixth term Legislative Council in 2016. This is consistent with the principle of gradual and orderly progress in developing a democratic system that suits the actual situation of Hong Kong, in conformity with the majority view in the Hong Kong community, and conducive to the efforts of all sectors of the community to first focus on properly handling the selection of the Chief Executive by universal suffrage, and it will create conditions for the attainment of the aim of electing all members of the Legislative Council by universal

suffrage after the implementation of universal suffrage for the selection of the Chief Executive. In accordance with the deliberations of the members of the NPC Standing Committee and the views of various sides, Article V of the *Draft Decision* stipulates that “The existing formation method and voting procedures for the Legislative Council as prescribed in Annex II to the *Hong Kong Basic Law* will not be amended. The formation method and procedures for voting on bills and motions of the fifth term Legislative Council will continue to apply to the sixth term Legislative Council of the Hong Kong Special Administrative Region in 2016.” To reflect the consistent position of the central authorities to resolutely and firmly develop the democratic system in Hong Kong, and to push for the attainment of the aim of electing all the members of the Legislative Council by universal suffrage, this article further stipulates that “After the election of the Chief Executive by universal suffrage, the election of all the members of the Legislative Council of the Hong Kong Special Administrative Region may be implemented by the method of universal suffrage. At an appropriate time prior to the election of the Legislative Council by universal suffrage, the Chief Executive elected by universal suffrage shall submit a report to the Standing Committee of the National People’s Congress in accordance with the relevant provisions of the *Hong Kong Basic Law* and the *Interpretation by the Standing Committee of the National People’s Congress of Article 7 of Annex I and Article III of Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China* as regards the issue of amending the method for forming the Legislative Council. A determination thereon shall be made by the Standing Committee of the National People’s Congress.”

You are kindly requested to consider whether the *Draft 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* and the above Explanations are in order.

**List of Relevant Meetings with the Legislative Council and
Consultation Activities Attended by Members of the Task Force
on Constitutional Development**

Date (2015)	Organiser / Groups and Individuals of the Relevant Sectors
7 January	Legislative Council Meeting
13 January	Hong Kong Federation of Trade Unions
16 January	Chairmen and Vice-chairmen of 18 District Councils
19 January	Meeting of the Legislative Council Constitutional Affairs Panel
19 January	The Hong Kong Chinese Importers' & Exporters' Association
21 January	CHEN Hung-ye, Albert
21 January	New Territories Association of Societies
22 January	Sha Tin District Council
26 January	Concern Group for Public Opinion on Constitutional Development
28 January	Visit to Tsuen Wan District to publicise the public consultation on constitutional development
29 January	Business and Professionals Alliance for Hong Kong
30 January	Hong Kong Southern District Community Association
30 January	Hong Kong Island Chaoren Association
31 January	Special Meeting of the Legislative Council Constitutional Affairs Panel
31 January	The Federation of Hong Kong and Kowloon Labour Unions

Date (2015)	Organiser / Groups and Individuals of the Relevant Sectors
2 February	The Chinese General Chamber of Commerce, Hong Kong General Chamber of Commerce, Federation of Hong Kong Industries, The Chinese Manufacturers' Association of Hong Kong, The Real Estate Developers Association of Hong Kong, The Hong Kong Chinese Enterprises Association, The Hong Kong Chinese Importers' & Exporters' Association, and Hong Kong China Chamber of Commerce
3 February	Kowloon Federation of Associations
4 February	CHEUNG Tat-ming, Eric; LAW Chi-kwong; WONG Yue-chim, Richard; LAU Pui-king; HUANG Yin; HO Lok-sang; KWOK Kwok-chuen; YEUNG Yue-man; FUNG Ho-keung, Andrew; Fung Chi-ching, Jacky; WAN Charn-wing, Frank; TAI Hay-lap; YIP Siu-fai, Paul; YEP Kin-man, Ray; LI Che-lan, Linda; SUNG Lap-kung, James
5 February	Eastern District Council
5 February	The Hong Kong Island Federation
7 February	Special Meeting of the Legislative Council Constitutional Affairs Panel
9 February	Commission on Youth
9 February	Hong Kong Institute of Certified Public Accountants
10 February	Heung Yee Kuk New Territories
10 February	Hong Kong Professionals and Senior Executives Association
11 February	The Hong Kong Coalition of Professional Services
11 February	Visit to the Central and Western District to publicise the public consultation on constitutional development
11 February	Hong Kong deputies to the National People's Congress
11 February	Concern group on development of Hong Kong
12 February	North District Council
12 February	Federation of Hong Kong Industries

Date (2015)	Organiser / Groups and Individuals of the Relevant Sectors
12 February	Visit to the Sham Shui Po District to publicise the public consultation on constitutional development
12 February	Kowloon City District Council
12 February	Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference
12 February	Hong Kong Swatou Merchants Association Limited
12 February	Chinese Academy of Governance Hong Kong Alumni Association
12 February	Hong Kong Business Community Joint Conference
15 February	Visit to the Yuen Long District to publicise the public consultation on constitutional development
16 February	Islands District Council
16 February	Chinese Academy of Governance Hong Kong Alumni Association, Government Employees Association, Hong Kong Civil Servants General Union
17 February	Yuen Long District Council
17 February	Tsuen Wan District Council
23 February	Visit to the Kowloon City District to publicise the public consultation on constitutional development
25 February	Federation of Hong Kong Guangxi Community Organisations
26 February	Yau Tsim Mong District Council
26 February	The Chinese Manufacturers' Association of Hong Kong
26 February	Dr Hon LAM Tai-fai
26 February	New Territories Association of Societies
27 February	Kowloon Federation of Associations
27 February	Hong Kong Chinese People's Political Consultative Conference (Provincial) Members Association
28 February	The Small and Medium Law Firms Association of Hong Kong

Date (2015)	Organiser / Groups and Individuals of the Relevant Sectors
28 February	New Century Forum, The Federation of Alumni Associations of Chinese Colleges and Universities in Hong Kong, Education Convergence
28 February	The Hong Kong Medical Association
28 February	Hong Kong Federation of Women
2 March	Democratic Alliance for the Betterment and Progress of Hong Kong
2 March	Federation of Hong Kong Guangdong Community Organisations
2 March	All-China Women's Federation Hong Kong Delegates Association
2 March	Kowloon Women's Organisations Federation
2 March	Business and Professionals Alliance for Hong Kong
2 March	Hong Kong General Chamber of Commerce
2 March	New People's Party Study Group on Constitutional Development
3 March	Visit to the Sai Kung District to publicise the public consultation on constitutional development
3 March	Sai Kung District Council
3 March	Tuen Mun District Council
3 March	Defend Hong Kong Campaign, Virtue Dynamics, Voice of Harmony and Guardian of Hong Kong
3 March	Visit to the Kwun Tong District to publicise the public consultation on constitutional development
3 March	Kwun Tong District Council
3 March	Wan Chai District Council
4 March	Visit to the Eastern District to publicise the public consultation on constitutional development
4 March	Shanghai China Alumni HK Associations
4 March	The Chinese General Chamber of Commerce
4 March	Dongguan City Association of Enterprises with Foreign Investment

Date (2015)	Organiser / Groups and Individuals of the Relevant Sectors
5 March	Tai Po District Council
5 March	Federation of Hong Kong Industries
5 March	HK100
5 March	United Zhejiang Residents Associations (Hong Kong)
6 March	Hong Kong Federation of Trade Unions
6 March	The Hong Kong Chinese Importers' & Exporters' Association
6 March	Heung Yee Kuk New Territories
6 March	Hon Steven HO Chun-yin and representatives of the agriculture and fisheries sector
6 March	Liberal Party
6 March	Wisdom Hong Kong
6 March	Hong Kong Professionals and Senior Executives Association
6 March	The Hong Kong Island Federation
6 March	Hong Kong Federation of Women
7 March	Visit to the Yau Tsim Mong District (Mong Kok East) to publicise the public consultation on constitutional development
7 March	Visit to the Yau Tsim Mong District (Mong Kok) to publicise the public consultation on constitutional development
7 March	Hong Kong Federation of Education Workers
10 March*	Sham Shui Po District Council
12 March*	Kwai Tsing District Council
17 March*	Wong Tai Sin District Council
19 March*	Central and Western District Council
19 March*	Southern District Council

* Relevant District Council meetings were held after the end of the consultation period (7 March 2015).

**Motions Moved by the 18 District Councils
Relating to the Method for Selecting the Chief Executive
by Universal Suffrage**

District Councils and Date of Meeting	Wording of Motions (translation)
Sha Tin DC (22 January 2015)	“The Council supports the implementation of universal suffrage for the Chief Executive (CE) election in 2017 in accordance with the Basic Law and the Decision of the Standing Committee of the National People’s Congress, so that five million eligible voters of Hong Kong may elect the CE through ‘one person, one vote’ in 2017. As such, the Sha Tin District Council calls on different sectors of the community to actively participate in the second round public consultation on constitutional development, and urges the Legislative Council to endorse the constitutional development proposals, so that an important step forward could be made for the constitutional development of Hong Kong.”
Eastern DC (5 February 2015)	“The Eastern District Council fully supports the second round public consultation on constitutional development launched by the HKSAR Government, objects to a standstill in the method for selecting the Chief Executive (CE), and urges different sectors of the society to forge consensus on the method for selecting the CE by universal suffrage in 2017 as soon as possible, and in accordance with the Basic Law and the relevant Decisions of the Standing Committee of the National People’s Congress, so as to take forward the democratic development of Hong Kong.”
North DC (12 February 2015)	“The Council supports the implementation of the long-awaited universal suffrage for the Chief Executive (CE) election in 2017 as scheduled and in accordance with the Basic Law and the

Decision of the Standing Committee of the National People's Congress, so that some five million eligible voters of Hong Kong could elect the next CE through 'one person, one vote' and to avoid a standstill of constitutional development. As such, the Council urges different sectors of the community to participate in the second round public consultation on constitutional development in a peaceful, rational, pragmatic manner and with mutual respect, so as to forge a consensus and implement universal suffrage for the CE election as scheduled and in accordance with the law."

Kowloon City DC
(12 February 2015)

"The Council supports implementing universal suffrage for the Chief Executive election in 2017 in accordance with the Basic Law and the Decision of the Standing Committee of the National People's Congress, so that some five million eligible voters of Hong Kong could elect the CE through 'one person, one vote'; calls on different sectors of the community to actively participate in the second round public consultation on constitutional development; and urges the Legislative Council to endorse the constitutional development proposals so as to allow for the constitutional development of Hong Kong to take an important step forward."

Islands DC
(16 February 2015)

"The Islands District Council supports the Government to implement universal suffrage for the Chief Executive (CE) election in 2017 as scheduled, in accordance with the Basic Law and the Decision of the Standing Committee of the National People's Congress, to allow the democratic development of Hong Kong to take a big step forward. The community generally agrees that selecting the CE by universal suffrage in 2017 is a common aspiration of the Central Authorities and people of Hong Kong. The Council calls on the different sectors of the community to discuss in a peaceful, rational and pragmatic manner, so as to forge a consensus, and to make good use of the opportunity of the second

round public consultation by the Government to express the wish of the people of Hong Kong to implement universal suffrage for the CE election in 2017 as scheduled and in accordance with the law.”

Tsuen Wan DC*
(17 February 2015)

“The Tsuen Wan District Councils supports, in accordance with the Basic Law and the Decision of the Standing Committee of the National People’s Congress, the implementation of universal suffrage for the Chief Executive (CE) election in 2017 in accordance with the law, so that some five million eligible voters of Hong Kong could elect the CE through ‘one person, one vote’ in 2017. The Council urges the Legislative Council to endorse the constitutional development proposals, and to take forward Hong Kong’s constitutional development in a pragmatic and rational manner.”

Yuen Long DC
(17 February 2015)

“The Yuen Long District Council urges different sectors of the community, especially Members of the Legislative Council, in accordance with the Basic Law and the Decision of the Standing Committee of the National People’s Congress, to discuss in a peaceful, rational and pragmatic manner, so as to forge a consensus and allow five million eligible voters to elect the next Chief Executive in 2017 through ‘one person, one vote’, and not to allow a standstill in constitutional development.”

Yau Tsim Mong DC
(26 February 2015)

“The Council supports the implementation of universal suffrage for the Chief Executive (CE) election in 2017 as scheduled, in accordance with the Basic Law and the Decision of the Standing Committee of the National People’s Congress on issues relating to universal suffrage, so that all eligible voters of Hong Kong would be able to elect the CE through ‘one person, one vote’. The Council calls on different sectors of the community, with mutual respect, to actively participate in discussions for the second round

public consultation on constitutional development and to forge a consensus, and together urging the Legislative Council to endorse the constitutional development proposals as scheduled, to allow constitutional development of Hong Kong to take an important step forward.”

Sai Kung DC
(3 March 2015)

“To allow five million eligible voters of Hong Kong to elect the next Chief Executive in 2017 through ‘one person, one vote’; and not to allow constitutional development to come to a standstill.”

Tuen Mun DC
(3 March 2015)

“In accordance with the Basic Law and relevant decisions of the Standing Committee of the National People’s Congress, to implement as scheduled the long-awaited Chief Executive (CE) election in 2017. The Tuen Mun District Council calls on different sectors of the community to discuss and forge a consensus in a rational, pragmatic, and mutually respectful manner, so that five million eligible voters may elect the next CE by universal suffrage through ‘one person, one vote’ in 2017, and not to allow constitutional development to come to a standstill.”

Kwun Tong DC
(3 March 2015)

“The Kwun Tong District Council supports implementation of universal suffrage for the Chief Executive election in 2017 in accordance with the Basic Law and the Decision of the Standing Committee of the National People’s Congress; calls on different sectors of the community to actively participate in the second round public consultation on constitutional development; and urges the Legislative Council to endorse the constitutional development proposals, so as to take forward the constitutional development of Hong Kong.”

Wan Chai DC
(3 March 2015)

“The Wan Chai District Council resolves: to call on different sectors of the community to discuss in a peaceful, rational and pragmatic manner and with mutual respect to forge a consensus; and in

accordance with the Basic Law and relevant decisions of the Standing Committee of the National People's Congress, to elect the next Chief Executive through 'one person, one vote', and not to allow the constitutional development to come to a standstill."

Tai Po DC
(5 March 2015)

"The Council supports implementation of universal suffrage for the Chief Executive (CE) election in 2017 as scheduled, in accordance with the Basic Law and the Decision of the Standing Committee of the National People's Congress, so that some five million eligible voters could elect the CE through 'one person, one vote' and not to allow the constitutional development to come to a standstill. In view of this, the Tai Po District Council calls on different sectors of the community to participate in the second round public consultation on constitutional development in a peaceful, rational, and pragmatic manner, and urges the Legislative Council to endorse the constitutional development proposals, and implement universal suffrage for the CE election as scheduled and in accordance with the law, to take forward democratic development of Hong Kong."

Sham Shui Po DC[#]
(10 March 2015)

"The Sham Shui Po District Council supports implementation of the long-awaited universal suffrage for the Chief Executive (CE) election in 2017 as scheduled, in accordance with the Basic Law and the Decision of the Standing Committee of the National People's Congress, so that five million eligible voters could elect the next CE through 'one person, one vote' in 2017. We call on different sectors of the society to forge a consensus in a rational and pragmatic manner and with mutual respect; and urge the Legislative Council to endorse the constitutional development proposals to implement universal suffrage for the CE election in 2017, not to allow the constitutional development to come to a standstill."

- Kwai Tsing DC[#]
(12 March 2015) “The Kwai Tsing District Council supports, in accordance with the Basic Law and the Decision of the Standing Committee of the National People’s Congress, implementation of the universal suffrage for the Chief Executive (CE) election in 2017 according to the law, so that some five million eligible voters of Hong Kong could elect the CE in 2017 through ‘one person, one vote’. The Council urges the Legislative Council to endorse the constitutional development proposal, and to take forward constitutional development of Hong Kong in a pragmatic and rational manner.”
- Wong Tai Sin DC[#]
(17 March 2015) “The Council supports implementation of universal suffrage for the Chief Executive (CE) election in 2017 in accordance with the Basic Law and the Decision of the Standing Committee of the National People’s Congress, so that some five million eligible voters of Hong Kong could elect the CE through ‘one person, one vote’; as such, the Council calls on different sectors of the society to actively participate in the second round public consultation on constitutional development, and urges the Legislative Council to endorse the constitutional development proposals, so as to allow the constitutional development of Hong Kong to take an important step forward.”
- Central and Western
DC[#]
(19 March 2015) “The Central and Western District Council supports the Government to implement universal suffrage for the Chief Executive (CE) election in 2017 in accordance with the Basic Law and the Decision of the Standing Committee of the National People’s Congress, so that five million eligible voters could elect the next CE through ‘one person, one vote’ in 2017, and not to allow the constitutional development of Hong Kong to come to a standstill.”

Southern DC[#]
(19 March 2015)

“The Southern District Council supports, in accordance with the Basic Law and the Decision of the Standing Committee of the National People’s Congress, implementation of universal suffrage for the Chief Executive (CE) election in 2017 according to the law, so that some five million eligible voters of Hong Kong could elect the CE in 2017 through ‘one person, one vote’.”

* Special meeting

Relevant District Council meetings were held after the end of the consultation period (7 March 2015)

Please refer to the DC Homepage (www.districtcouncils.gov.hk) for minutes of meeting of the 18 DCs.

**Suggested Subsectors of the Nominating Committee
and Number of Members of the Subsectors**

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

(Translation)

Interpretation of Paragraph 2, Article 53 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China by the Standing Committee of the National People's Congress

(Adopted at the Fifteenth Session of the Standing Committee of the Tenth National People's Congress on 27 April 2005.)

The Standing Committee of the Tenth National People's Congress at its 15th session deliberated the State Council's Proposal on Requesting Interpretation of Paragraph 2, Article 53 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. In accordance with Item 4, Article 67 of the Constitution of the People's Republic of China and Paragraph 1, Article 158 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, and after consulting the Committee for the Basic Law of the HKSAR under the NPC Standing Committee, the Standing Committee of the National People's Congress hereby makes the following interpretation on Paragraph 2, Article 53 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China.

Paragraph 2, Article 53 of the Basic Law stipulates, "In the event that the office of Chief Executive becomes vacant, a new Chief Executive shall be selected within six months in accordance with the provisions of Article 45 of this Law." The phrase "a new Chief Executive shall be selected ... in accordance with the provisions of Article 45 of this Law" implies that both the method of selecting and the term of office of the new Chief Executive shall be as prescribed and determined by the said Article.

Paragraph 3, Article 45 of the Basic Law stipulates, "The specific method for selecting the Chief Executive is prescribed in Annex I 'Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region'." Clause 1 of Annex I stipulates, "The Chief Executive shall be elected by a broadly representative Election Committee in accordance with this Law and appointed by the Central People's Government." Clause 2 of Annex I stipulates, "The term of office of the Election Committee shall be five years." Clause 7 of Annex I stipulates, "If there is a need to amend the method for selecting the Chief

Executives for the terms subsequent to the year 2007, such amendments must be made with the endorsement of a two-thirds majority of all the members of the Legislative Council and the consent of the Chief Executive, and they shall be reported to the Standing Committee of the National People's Congress for approval." These provisions make it clear that prior to the year 2007, when the Chief Executive is selected by the Election Committee with a five-year term of office, in the event that the office of Chief Executive becomes vacant as he (she) fails to serve the full term of office of five years as prescribed by Article 46 of the Basic Law, the term of office of the new Chief Executive shall be the remainder of the previous Chief Executive; and that after 2007, the above-mentioned method for selecting the Chief Executives could be amended, and should the office of the Chief Executive then become vacant, the term of office of the new Chief Executive shall be determined in accordance with the amended method for the selection of the Chief Executive.

This Interpretation is hereby announced.

Draft Motion to be Put by the HKSAR Government
to the Legislative Council Concerning the Amendment to the Method
for the Selection of the Chief Executive of the
Hong Kong Special Administrative Region

Pursuant to Article 7 of Annex I to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, the Interpretation by the Standing Committee of the National People's Congress of Article 7 of Annex I and Article III of Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China of 6 April 2004, and 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 of 31 August 2014, the "(Draft) Amendment to Annex I to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China Concerning the Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region" appended to this Motion is hereby endorsed by this Council by a two-thirds majority of all Members.

**(Draft) Amendment to Annex I to the Basic Law
of the Hong Kong Special Administrative Region
of the People's Republic of China Concerning the
Method for the Selection of the Chief Executive of the
Hong Kong Special Administrative Region**

1. Starting from 2017, the Chief Executive shall be selected by universal suffrage upon nomination by a broadly representative Nominating Committee in accordance with democratic procedures and appointed by the Central People's Government.

2. The Nominating Committee shall be composed of 1200 members from the following sectors:

Industrial, commercial and financial sectors	300
The professions	300
Labour, social services, religious and other sectors	300
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	300

The term of office of the Nominating Committee shall be five years. In the event that the office of Chief Executive becomes vacant within the five-year term of office of the Nominating Committee and a by-election is held, the term of office of the new Chief Executive shall be the remainder of the previous Chief Executive.

3. The delimitation of the various sectors of the Nominating Committee, the organizations in each sector eligible to return Nominating Committee members and the number of such members returned by each of these organizations and how to return them shall be prescribed by an electoral law enacted by the Hong Kong Special Administrative Region in accordance with the principles of democracy and openness.

Corporate bodies in various sectors shall, on their own, elect members to the Nominating Committee, in accordance with the number of seats allocated and the election method as prescribed by the electoral law.

Members of the Nominating Committee shall discharge their duties in their individual capacities.

4. A person seeking nomination by the Nominating Committee may be recommended jointly by not less than 120 members and not more than 240 members of the Nominating Committee. Each member may recommend only one person.

The Nominating Committee shall, from the persons recommended as aforesaid, nominate two to three persons seeking nomination to become Chief Executive candidates by secret ballot. Each Nominating Committee member shall vote for at least two persons, and may at most vote for all persons seeking nomination by the Nominating Committee. Each candidate must have the endorsement of more than half of all the members of the Nominating Committee. The specific nominating method shall be prescribed by the electoral law.

5. All eligible electors of the Hong Kong Special Administrative Region who have registered in accordance with the law shall, from the list of candidates nominated by the Nominating Committee, elect one Chief Executive designate by secret ballot. The specific election method shall be prescribed by the electoral law.

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