

The Standing Committee of the National People's Congress
Chairman Wu Bangguo

**Report on the Public Consultation on Constitutional Development
and on whether there is a need to amend 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 2012**

(Translation)

In accordance with “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” (“the Interpretation”) promulgated on 6 April 2004, should there be a question as regards whether there is a need to amend 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, the Chief Executive of the Hong Kong Special Administrative Region shall make a report to the Standing Committee of the National People’s Congress (“the NPCSC”); and the NPCSC shall, in accordance with Articles 45 and 68 of the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China (“the Basic Law”), make a determination in the light of the actual situation in the Hong Kong Special Administrative Region (“HKSAR”) and in accordance with the principle of gradual and orderly progress.

2. Articles 45 and 68 of the Basic Law (coupled with Annexes I and II) have prescribed the method for selecting the Chief Executive (“CE”) and for forming the Legislative Council (“LegCo”). The Basic Law further prescribes the ultimate aim of selecting the CE by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures, and of electing all the members of LegCo, by universal suffrage in the light of the actual situation in the HKSAR and in accordance with the principle of gradual and orderly progress.

3. Since the establishment of the HKSAR, Hong Kong’s political structure has been developing in accordance with the provisions of the Basic Law, and has been making progress towards the ultimate aim of

universal suffrage in a gradual and orderly manner. In 2005, on the basis of the views gauged widely from among various sectors of the community, the HKSAR Government, in accordance with NPCSC's Decision made on 26 April 2004, put forth a package of proposals to amend the two electoral methods for 2007/08. The proposed package could have enhanced the democratic elements in the two electoral methods, with a view to taking forward Hong Kong's constitutional development towards universal suffrage in a gradual and orderly manner. Although the package received the support of 60% of the public and more than half of all LegCo Members, it was not endorsed by a two-thirds majority of all LegCo Members as required by the Basic Law, and hence, could not be implemented. This experience has demonstrated that it is necessary to take into account both the inclinations of LegCo and the aspirations of the public for any constitutional development plan to stand a chance of being implemented.

4. During the period from end-2005 to mid-2007, the HKSAR Government, through the Commission on Strategic Development established by the CE, had been promoting wide-ranging discussions among various sectors of the community about the principles, models, roadmap and timetable for implementing universal suffrage for the CE and LegCo. In view of the general aspiration in the community that the roadmap and timetable for universal suffrage of the CE and LegCo should be set at an early date, the third-term HKSAR Government issued the Green Paper on Constitutional Development ("the Green Paper") on 11 July and conducted wide-ranging public consultation in this regard.

5. We set out in the Green Paper in detail the constitutional basis for the HKSAR's constitutional development and the principles of design of its political structure. We also pointed out to the Hong Kong community that, in the process of attaining the ultimate aim of universal suffrage and in designing a model for implementing universal suffrage, we must consider, in accordance with the relevant provisions and principles of the Basic Law, whether the relevant options can comply with:

- (1) the basic policies of the State regarding Hong Kong;
- (2) the four principles on constitutional development, namely, meeting the interests of different sectors of society, facilitating the development of the capitalist economy, gradual and orderly progress, and being

appropriate to the actual situation in Hong Kong; and

(3) the principles of universal and equal suffrage.

6. We also reiterated in the Green Paper that, according to Annexes I and II to the Basic Law, any changes to the two electoral methods require the endorsement of a two-thirds majority of all the members of LegCo and the consent of the CE, and that they shall be reported to the NPCSC for approval or for the record.

7. During my election campaign, I made it clear that the ultimate universal suffrage option must not only comply with the constitutional requirements, but also be supported by the majority of Hong Kong people.

Public Consultation on the Green Paper

8. Following the release of the Green Paper, the HKSAR Government immediately embarked on the public consultation on the models, roadmap and timetable for implementing universal suffrage for the CE and LegCo. The Green Paper public consultation lasted three months and concluded on 10 October.

9. During the public consultation, we consulted the community widely and systematically through a variety of channels to gauge feedback on the Green Paper from among LegCo, District Councils, organizations and individuals of different sectors of society, as well as members of the public.

10. We appealed to organizations and individuals of various sectors of society to put forth, by post, facsimile or e-mail, their views on the key issues set out in the Green Paper and other related issues. During the public consultation, we received views reflected through about 18200 written submissions, as well as more than 150000 signatures.

11. To promote further discussions on the issue of universal suffrage among various sectors of the community, the HKSAR Government organized a number of open and regional forums to listen to the views of the public and district personalities direct. We attended special meetings of the LegCo Constitutional Affairs Panel and the meetings of all 18 District Councils to listen to the views of LegCo

Members and District Council members on the issue of universal suffrage direct. We also attended public hearings of the LegCo to listen to the views of over 150 organizations and individuals on the issue of universal suffrage. Moreover, we attended meetings with LegCo functional constituency sectors and Election Committee subsectors, as well as forums and meetings organized by different organizations, to listen to their views on the issue of universal suffrage.

12. Furthermore, we have paid special attention to different opinion polls conducted by various academic, non-governmental and media organizations on the issue of universal suffrage, and consider them as one of the important means in reflecting public opinion.

Summary of Views

13. After consultation with the Executive Council, I have decided to publish the “Report on Public Consultation on the Green Paper on Constitutional Development”, and set out in the Report in detail the views gauged on the models for electing the CE and for forming LegCo by universal suffrage, as well as the roadmap and timetable for implementing universal suffrage. I now summarize these views as follows.

- (1) The people of Hong Kong have keen expectation for attaining the aim of universal suffrage in accordance with the Basic Law. Members of the public, political parties, LegCo Members, District Councils and different sectors of the community support that the plan for implementing universal suffrage, particularly the universal suffrage timetable, should be determined at an early date. This can help minimize internal debates on constitutional development and will be conducive to the long term stability and development of Hong Kong.

Models for Electing the Chief Executive by Universal Suffrage

- (2) Regarding the models for electing the CE by universal suffrage, there are relatively more views that the formation of the nominating committee for nominating CE candidates may make reference to the existing Election Committee for electing the CE.

- (3) Various political parties/groups in LegCo and independent Members support the formation of CE nominating committee by 800 or more than 800 members (for example, by increasing the number of members to 1200 or 1600). Opinion polls have indicated that more respondents consider that the nominating committee should be formed by more than 800 members.
- (4) There are relatively more views that it would be appropriate to have two to four CE candidates at most.
- (5) The community generally agrees that, after the CE candidates have been nominated in accordance with democratic procedures, the CE should be elected by universal suffrage on the basis of one-person-one-vote. As to whether one or more rounds of election should be held, and whether the election proceedings should continue if there is only one candidate, further discussions will be necessary.

Models for Forming the Legislative Council by Universal Suffrage

- (6) As for the models, roadmap and timetable for implementing universal suffrage for LegCo, LegCo, various sectors of the community and the public hold diverse views, and no mainstream view can be formed at this stage.

Roadmap and Timetable for Implementing Universal Suffrage

- (7) The community generally hopes that progress can be made at an early date regarding the implementation of universal suffrage. Under the circumstances that consensus has not yet been formed on the implementation of universal suffrage for LegCo, different opinion polls have indicated that more than half of the respondents hope that universal suffrage for the CE can precede that for LegCo.
- (8) Currently, in LegCo, less than half of the Members

support the implementation of universal suffrage for the CE and LegCo in 2012. Half of all LegCo Members support that universal suffrage for the CE should be implemented first by no later than 2017, in 2017 or after 2017, and that universal suffrage for LegCo should follow thereafter.

- (9) Also, motions have been passed in more than two-thirds of all District Councils, supporting that universal suffrage for the CE should be implemented first by no later than 2017 or in 2017, and that universal suffrage for LegCo should follow thereafter.
- (10) Opinion polls have indicated that more than half of the respondents support implementation of universal suffrage for the CE and LegCo in 2012. Among about 18200 written submissions received, about 12600 submissions with the same content support universal suffrage in 2012.
- (11) At the same time, about 60% of the respondents accept the implementation of universal suffrage for the CE in 2017, if this cannot be attained in 2012.
- (12) As for the timetable for implementing universal suffrage for LegCo, different opinion polls have indicated that more than half of the respondents accept the implementation of universal suffrage for LegCo in 2016 or thereafter, if this cannot be attained in 2012.
- (13) More than 150000 signatures received from the public have indicated support for implementing universal suffrage for the CE by no later than 2017, in 2017 or after 2017; and among these signatures, more than 130000 have indicated support that universal suffrage for the CE should precede that for LegCo.

Conclusion and Recommendations

14. The HKSAR Government established the Task Force on Constitutional Development in 2004 to promote active discussions about Hong Kong's constitutional development within the community. The Task Force put forth a package of proposals in 2005 to enhance the democratic elements of the two electoral methods for 2007/08. In November 2005, we continued to promote discussions within the community on the issue of universal suffrage through the Commission on Strategic Development. Following that, the HKSAR Government consulted the public again on Hong Kong's constitutional development through the release of a green paper – the first time such a vehicle was adopted on the issue of universal suffrage. The community has been engaged in wide-ranging and in-depth discussions. The HKSAR Government has sought to forge consensus within the community through different avenues in order to attain the aim of universal suffrage as early as possible in accordance with the Basic Law.

15. The results of this public consultation have indicated that the people of Hong Kong adopt a pragmatic attitude towards the issue of universal suffrage. There is general expectation within the community that the electoral system of the HKSAR can be further democratized and that the ultimate aim of universal suffrage can be attained as early as possible in accordance with the Basic Law. Having considered the views of LegCo, District Councils, organizations and individuals from various sectors, as well as members of the public in totality and, after thorough deliberation, I have come to the view that the community generally hopes that the universal suffrage timetable can be determined early, so as to set the course for Hong Kong's constitutional development. Implementing universal suffrage for the CE first in 2012 is the expectation of more than half of the public, as reflected in the opinion polls; this expectation should be taken seriously and given consideration. At the same time, implementing universal suffrage for the CE first by no later than 2017 will stand a better chance of being accepted by the majority in our community.

16. Although there are still diverse views on the models for implementing universal suffrage for the CE within the community, consensus has begun to emerge on taking forward universal suffrage towards the direction of implementing universal suffrage for the CE first, to be followed by that for LegCo. As for the models for forming LegCo by universal suffrage and how the functional constituencies should be

dealt with, views are still very diverse. However, setting the timetable for implementing universal suffrage for the CE and LegCo can help promote the ultimate resolution of the issues involved.

17. On the basis of the above conclusion, I consider that, in order to realize the aim of universal suffrage as provided for in the Basic Law, there is a need to amend the methods for selecting the CE and for forming LegCo in 2012.

18. In accordance with Articles 45 and 68 of the Basic Law, Annexes I and II to the Basic Law, and the Interpretation adopted on 6 April 2004, as the CE, I now request the Standing Committee of the National People's Congress to confirm that 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 2012 may be amended.

Chief Executive
Hong Kong Special Administrative Region
12 December 2007