



**香港特別行政區行政長官
向全國人民代表大會常務委員會提交
關於香港特別行政區二零一七年行政長官
及二零一六年立法會產生辦法
是否需要修改的報告**

**Report by the Chief Executive
of the Hong Kong Special Administrative Region
to the Standing Committee of the National People's Congress
on whether there is a need to amend the methods
for selecting the Chief Executive
of the Hong Kong Special Administrative Region in 2017
and for forming the Legislative Council
of the Hong Kong Special Administrative Region in 2016**

**二零一四年七月
July 2014**

全國人民代表大會常務委員會
張德江委員長

關於香港特別行政區二零一七年行政長官
及二零一六年立法會產生辦法是否需要修改的報告

根據 2004 年 4 月 6 日通過的《全國人民代表大會常務委員會關於〈中華人民共和國香港特別行政區基本法〉附件一第七條和附件二第三條的解釋》（《解釋》），《中華人民共和國香港特別行政區基本法》（《基本法》）附件一、附件二關於香港特別行政區行政長官的產生辦法、立法會的產生辦法是否需要進行修改，應由香港特別行政區行政長官向全國人民代表大會常務委員會（全國人大常委會）提出報告，由全國人大常委會依照《基本法》第四十五條及第六十八條規定，根據香港特別行政區的實際情況和循序漸進的原則確定。

2. 《基本法》第四十五條及第六十八條和《基本法》附件一及附件二，規定了行政長官和立法會的產生辦法，並且進一步規定根據香港特區的實際情況和循序漸進的原則，最終達至行政長官由一個有廣泛代表性的提名委員會按民主程序提名後普選產生和立法會全部議員普選產生的目標。

3. 自特區成立以來，香港的政制一直按照《基本法》的規定，循序漸進地朝着普選的最終目標發展。回歸十年後，第三屆特區政府在 2007 年 7 月發表《政制發展綠皮書》，就有關行政長官及立法會普選方案、路線圖和時間表諮詢公眾的意見。同年 12 月，時任行政長官向全國人大常委會提交報告，如實反映了在公眾諮詢期內從社會各方面收集到關於普選的意見。在審議行政長官提交的報告後，全國人大常委會於 2007 年 12 月 29 日通過《關於香港特別行政區 2012 年行政長官和立法會產生辦法及有關普選問題的決定》（《決定》），確立了普選時間表。根據此《決定》，2017 年香港特別行政區第五任行政長官的選舉可以實行由普選產生的辦法；在行政長官由普選產生以後，香港特別行政區立法會的選舉可以實行全部議員由普選產生的辦法。《決定》還提出，根據《基本法》第四十五條的規定，在香港特別行政區行政長官實行普選產生的辦法時，須組成一個有廣泛代表性的提名委員會。提名委員會可參照《基本法》附件一有關選舉委員會的現行規定組成。提名委員會須按照民主程序提名產生若干名行政長官候選人，由香港特別行政區全體合資格選民普選產生行政長官人選，報中央人民政府任命。

4. 特區政府就 2012 年行政長官及立法會選舉提出的建議方案，在 2010 年夏季先後獲立法會全體議員三分之二多數通過、行政長官同意，以及全國人大常委會批准和備案。2012 年政改方案的成功落實大幅提高了兩個選舉辦法的民主成分。

5. 根據《基本法》和全國人大常委會 2007 年的《決定》，在 2017 年落實行政長官由普選產生，是本屆特區政府承擔的一項重要憲制責任。中央和特區政府在過去不斷重申，如期依法實現行政長官由普選產生的立場是明確和堅定的。隨着全國人大常委會在 2007 年對普選時間表的確立，社會各界普遍殷切期待能如期於 2017 年依法落實普選，實現全港合資格選民以「一人一票」方式選出下任行政長官的願望。本屆特區政府深切體會到，落實普選行政長官，不只是選舉制度和規則的改變，而是一項重大的政治變革。根據《基本法》，行政長官是香港特別行政區的首長，代表香港特別行政區，對中央人民政府和香港特別行政區負責。行政長官具有重要憲制地位，依照《基本法》的規定履行憲制權責，貫徹落實「一國兩制」、「港人治港」和高度自治的基本方針政策。實現普選行政長官是香港政制民主發展的重要里程碑，具有重大現實影響和歷史意義。與此同時，我們理解香港市民對如何落實普選行政長官有不同意見和建議，在某些關鍵議題上立場有不少分歧。不過，總的來說，香港市民大眾仍然希望可以在 2017 年邁出重要一步，落實「一人一票」普選行政長官，這也是中央和特區政府的共同願望。本屆特區政府承擔的憲制責任是既要滿足市民的期望，也要成功推動落實普選，使「一國兩制」方針政策和《基本法》得以更好地貫徹落實，以有效維護香港的長期繁榮穩定和市民的整體福祉。

6. 特區政府於 2013 年 10 月 17 日宣布成立由政務司司長領導，律政司司長和政制及內地事務局局長為成員的政改諮詢專責小組（專責小組），負責處理 2017 年行政長官及 2016 年立法會產生辦法的公眾諮詢工作。特區政府隨後在 2013 年 12 月 4 日發表《二零一七年行政長官及二零一六年立法會產生辦法諮詢文件》（《諮詢文件》），就兩個產生辦法的相關議題，廣泛收集社會各界意見，諮詢期為五個月，至 2014 年 5 月 3 日結束。

7. 《諮詢文件》詳述了香港特別行政區政制發展的憲制基礎及政治體制的設計原則，並且指出，達至最終普選目標的過程，以及在落實 2017 年行政長官及 2016 年立法會產生辦法時，必須嚴格按照《基本法》和全國人大常委會的相關解釋及決定，以及顧及：

- (i) 香港特別行政區的獨特憲制及法律地位；
- (ii) 中央對香港特別行政區的政治體制發展的憲制決定權力；
- (iii) 香港特別行政區政治體制設計的四項主要原則，包括兼顧社會各階層利益、有利於資本主義經濟的發展、符合循序漸進的原則及適合香港實際情況；以及

(iv) 修改 2017 年行政長官及 2016 年立法會產生辦法須遵從的法定程序。

8. 《諮詢文件》亦重申，在處理 2017 年行政長官及 2016 年立法會產生辦法時，我們須充分考慮以下三方面：

(i) 方案必須嚴格符合《基本法》和全國人大常委會的相關解釋及決定；

(ii) 方案有可能得到香港多數市民支持，有可能得到立法會全體議員三分之二多數支持，及有可能獲得全國人大常委會的批准或備案；以及

(iii) 方案所訂立的選舉程序在具體操作上應是實際可行，簡潔易明，方便選民行使投票權，並能維持一個公開、公平及公正的選舉制度。

公眾諮詢工作

9. 在五個月的公眾諮詢期內，我們透過不同渠道進行廣泛有序的公眾諮詢，收集立法會、區議會、社會不同界別的團體和人士，以及市民大眾就《諮詢文件》所臚列的議題的意見。在諮詢期間，我們共收到約 124 700 份來自不同團體和個別人士的書面意見。

10. 為了推動社會各界對兩個產生辦法相關的議題作進一步討論，專責小組直接聽取公眾及地區人士的意見，包括：出席了立法會政制事務委員會的特別會議和18區區議會的相關會議，聽取立法會議員和區議員對有關議題的意見；出席了立法會的公聽會，聽取277個團體和個別人士對相關議題的意見；與大部分立法會功能界別及選舉委員會界別分組的人士會面；及出席了多個由不同團體舉辦的論壇和座談會，聽取他們對兩個產生辦法的意見。在五個月的諮詢期間，專責小組共出席了226場諮詢及地區活動。

意見歸納

11. 專責小組已向我提交《二零一七年行政長官及二零一六年立法會產生辦法公眾諮詢報告》，並在該報告內詳細交代了有關兩個產生辦法所收集到的意見。我確認這份報告和同意向公眾發表。就諮詢報告內載附的意見，我有以下的觀察和總結：

整體意見

- (i) 香港社會普遍殷切期望於2017年落實普選行政長官。

- (ii) 社會大眾普遍認同在《基本法》和全國人大常委會的相關解釋及決定的基礎上，理性務實討論，凝聚共識，落實普選行政長官。
- (iii) 社會大眾普遍認同於 2017 年成功落實普選行政長官對香港未來施政、經濟和社會民生，以至保持香港的發展及長期繁榮穩定，有正面作用。
- (iv) 社會大眾普遍認同行政長官人選須「愛國愛港」。

行政長官產生辦法

- (v) 主流意見認同《基本法》第四十五條已明確規定提名權只授予提名委員會，提名委員會擁有實質提名權，其提名權不可被直接或間接地削弱或繞過。
- (vi) 就提名委員會的組成，較多意見認同提名委員會應參照目前的選舉委員會的組成方式，即由四大界別同比例組成，以達到廣泛代表性的要求。同時，有不少意見認為提名委員會可按比例適量增加議席，藉此吸納新的界別分組或提高現有界別分組的代表性；但也有不少意見認為提名委員會的人數應維持在目前選舉委員會的委員數目，即 1 200 人，如需作出增加，也不應超過 1 600 人。

(vii) 就提名委員會如何按「民主程序」提名行政長官候選人，有多種不同意見。有意見認為提名程序可分為兩個階段，第一階段先經由一定數目提名委員會委員推薦參選人，第二階段再由提名委員會從參選人當中提名若干名候選人。有不少意見認為參選人須至少獲得一定比例提名委員會委員的支持才可正式成為候選人，藉以證明該參選人具有提名委員會內跨界別的支持、體現「少數服從多數」的民主原則，並符合提名委員會作為一個機構作出提名的要求。有一些意見則認為應維持現行選舉委員會的八分之一提名門檻。亦有一些團體和人士提出其他提名門檻和提名程序的建議，當中包括在提名委員會之外引入「公民提名」、「政黨提名」等建議。

(viii) 就行政長官候選人數目，主要有兩大類意見。一類意見提出為了確保選舉的莊嚴性及能夠讓選民對候選人的政綱和理念有充分認識，有需要設定候選人數目；另一類意見則認為毋須就候選人數目設限。在提出需要設定候選人數目的意見中，因應過去行政長官選舉的候選人數目大致在 2 至 3 人左右，有些意見提議可將候選人數目定為 2 至 3 人；亦有部分意見提出其他數目。

- (ix) 就普選行政長官方式，有相對較多意見認為應舉行兩輪投票，以增加當選人的認受性；但亦有部分意見認為應只舉行一輪投票，以簡單多數制選出行政長官當選人。

立法會產生辦法

- (x) 社會大眾普遍認同由於成功落實 2017 年普選行政長官乃普選立法會目標的先決條件，目前應集中精力處理好普選行政長官的辦法。另外，由於 2012 年立法會產生辦法已作出較大變動，故此普遍意見認同就 2016 年立法會產生辦法毋須對《基本法》附件二作修改。

結論及建議

12. 香港社會各界普遍期望能如期依法落實普選行政長官，特區政府成立專責小組及發表《諮詢文件》，以開放、兼聽和務實的態度聆聽社會各界不同意見和建議，目的是希望社會能理性討論，凝聚共識，如期落實《基本法》所確立的行政長官普選目標。這次公眾諮詢結果顯示，香港市民就 2017 年行政長官及 2016 年立法會產生辦法相關議題上的討論，表現出理性和務實的態度。香港社會普遍期望特區的選舉制度能進一步民主化，並按照《基本法》和全國人大常委會的相關解釋及決定，如期落實 2017 年行政長官普選的目標及做好 2016 年立法會選舉的工作。

13. 諮詢期內香港市民對如何落實普選行政長官有不同意見和建議，在某些關鍵議題上立場有不少分歧。此外，我亦注意到在首輪諮詢期過後，仍有不少團體及市民透過不同方式及途徑表達他們對落實 2017 年普選行政長官的意願和訴求，這些意見仍有不少分歧。政制發展議題十分複雜，社會上就具體方案有不同意見及爭論是可以理解的。我認為廣大市民對如期達至普選目標的期盼與中央及特區政府是一致的。香港廣大市民都會認同，要成功落實普選，必須以《基本法》和全國人大常委會的相關解釋及決定制訂具體方案。特區政府會在下一階段的諮詢工作，力求社會各界和立法會議員以和平、理性、務實的方式，收窄分歧、求同存異，共同為落實普選目標努力。

14. 值得注意的是，在提名程序這關鍵議題方面，雖然在諮詢期內已有法律專業團體和其他社會人士指出「公民提名」不符合《基本法》的規定，但有不少香港市民在諮詢期結束後仍然認為普選行政長官的提名程序應包括「公民提名」這元素在內。

15. 經全面考慮立法會、區議會、不同界別的團體和人士，以及市民的意見後，我認為香港社會普遍期望能先在 2017 年落實普選行政長官，以至全港五百多萬的合資格選民可於 2017 年以「一人一票」方式選出下任行政長官，為香港的政制發展邁出最重要一步。普遍意見亦認為應先集中精力處理好 2017 年普選行政長官，把握如期落實普選行政長官的機會，2016 年立法會產生辦法毋須對《基本法》附件二

作修改。在落實 2017 年普選行政長官後，社會再專注討論如何實現《基本法》第六十八條所規定，最終達至全部立法會議員由普選產生的目標，完成這歷史性工作。

16. 因此，我認為 2017 年行政長官產生辦法有需要進行修改，以實現普選目標。2016 年立法會產生辦法毋須對《基本法》附件二作修改。我謹根據《基本法》第四十五條、第六十八條及附件一、附件二和 2004 年全國人大常委會的《解釋》，提請全國人大常委會就 2017 年行政長官及 2016 年立法會產生辦法是否需要修改問題作出決定。

香港特別行政區行政長官

梁振英

2014 年 7 月 15 日

The Standing Committee of the National People's Congress
Chairman Zhang Dejiang

**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**

(Translation)

According to 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 ("Interpretation") adopted on 6 April 2004, should there be a question regarding whether there is a need to make an amendment to Annexes I and II to the Basic Law of the Hong Kong Special Administrative Region ("Basic Law") regarding the methods for selecting the Chief Executive ("CE") of the Hong Kong Special Administrative Region ("HKSAR") and for forming the Legislative Council ("LegCo") of the HKSAR, the CE of the HKSAR shall make a report to the Standing Committee of the National People's Congress ("NPCSC"); and the NPCSC shall, in accordance with Articles 45 and 68 of the Basic Law, make a determination in the light of the actual situation in the HKSAR and in accordance with the principle of gradual and orderly progress.

2. Articles 45 and 68 of, as well as Annexes I and II to, the Basic Law prescribe the methods for selecting the CE and for forming the LegCo. They further set out the ultimate aim of selecting the CE by universal suffrage upon nomination by a broadly representative

nominating committee (“NC”) in accordance with democratic procedures, and of electing all the Members of the 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, its political system has been developing towards the ultimate aim of universal suffrage in a gradual and orderly manner in accordance with the provisions of the Basic Law. Ten years after the People’s Republic of China resumed the exercise of sovereignty, the third-term HKSAR Government published the Green Paper on Constitutional Development in July 2007 to consult the public on the options, roadmap and timetable for implementing universal suffrage for the CE and the LegCo elections. In December of the same year, the then CE submitted a report to the NPCSC, duly reflecting the views expressed by different sectors of the community regarding universal suffrage which were collected during the consultation. After considering the report made by the CE, the NPCSC adopted 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 (“Decision”) on 29 December 2007, thereby setting the timetable for universal suffrage. According to the Decision, the election of the fifth CE of the HKSAR in the year 2017 may be implemented by the method of universal suffrage; and after the CE is selected by universal suffrage, the election of the LegCo of the HKSAR may be implemented by the method of electing all the Members by universal suffrage. The Decision also states that in accordance with the

provisions of Article 45 of the Basic Law, in selecting the CE of the HKSAR by the method of universal suffrage, a broadly representative NC shall be formed. The NC may be formed with reference to the current provisions regarding the Election Committee (“EC”) in Annex I to the Basic Law. The NC shall in accordance with democratic procedures nominate a certain number of candidates for the office of the CE, who is to be elected through universal suffrage by all registered electors of the HKSAR, and to be appointed by the Central People’s Government.

4. In the summer of 2010, the package of proposals in respect of the methods for selecting the Chief Executive and for forming the Legislative Council in 2012 (“the 2012 package of proposals”) put forth by the HKSAR Government was passed by a two-thirds majority of all the LegCo Members, received the consent of the CE, and was approved and recorded by the NPCSC. The successful implementation of the 2012 package of proposals has greatly enhanced the democratic element of the two electoral methods.

5. It is an important constitutional responsibility of the current term HKSAR Government to implement the selection of the CE by universal suffrage in 2017 in accordance with the Basic Law and the Decision of the NPCSC in 2007. The Central Authorities and the HKSAR Government have repeatedly emphasised that their stance of implementing the selection of the CE by universal suffrage as scheduled and in accordance with the law is clear and firm. Upon the setting of the timetable for universal suffrage by the NPCSC in 2007, different sectors of the community are in general eagerly looking forward to the implementation of universal suffrage as scheduled in 2017 in accordance with the law, thereby realising the aspiration of all eligible voters in Hong

Kong to elect the next CE through “one person, one vote”. The current term HKSAR Government fully appreciates that the implementation of universal suffrage for the CE election is not merely a change in the electoral system and regulations, but a significant political reform. According to the Basic Law, the CE is the head of the HKSAR representing the HKSAR, and is accountable to the Central People’s Government and the HKSAR. The CE has an important constitutional role, with constitutional duties as set out in the Basic Law to implement the basic policies of “One Country, Two Systems”, “Hong Kong people administering Hong Kong” and a high degree of autonomy. Implementing universal suffrage for the CE election will be an important milestone of the democratic development of Hong Kong’s political system, with significant real impact and historic meaning. At the same time, we understand that the people of Hong Kong have different views and suggestions regarding how to implement universal suffrage for the CE election, and their stances in respect of certain key issues are quite divergent. However, on the whole, the people of Hong Kong still aspire to take a stride forward in 2017 so as to implement universal suffrage for the CE election through “one person, one vote”. This aspiration is shared by the Central Authorities and the HKSAR Government. The constitutional responsibility of the current term HKSAR Government is to meet the aspiration of the people and successfully implement universal suffrage, so as to fully implement the Basic Law and the basic policy of “One Country, Two Systems” as well as to robustly protect the long-term stability and prosperity and the overall betterment of the people of Hong Kong.

6. On 17 October 2013, the HKSAR Government announced 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, to take charge of the public consultation on the methods for selecting the CE in 2017 and for forming the LegCo in 2016. The HKSAR Government thereafter published the Consultation Document on the Methods for Selecting the Chief Executive in 2017 and for Forming the Legislative Council in 2016 (“Consultation Document”) on 4 December 2013 to consult the public on issues related to the two electoral methods. The five-month consultation period ended on 3 May 2014.

7. The Consultation Document set out in detail the constitutional basis for constitutional development and the principles for designing the political structure of the HKSAR. It also pointed out that in the process of attaining the ultimate aim of universal suffrage as well as implementing the methods for selecting the CE in 2017 and for forming the LegCo in 2016, we must act strictly in accordance with the Basic Law and the relevant Interpretation and Decisions of the NPCSC, and to have regard to the following:

- (i) the unique constitutional and legal status of the HKSAR;
- (ii) the constitutional powers of the Central Authorities over the development of the political structure of the HKSAR;
- (iii) the four major principles on the design of the political structure of the HKSAR, 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; and

- (iv) the legal procedures that shall be followed in amending the methods for selecting the CE in 2017 and for forming the LegCo in 2016.

8. The Consultation Document also reiterated that in dealing with the methods for selecting the CE in 2017 and for forming the LegCo in 2016, we have to have due regard to the following three aspects:

- (i) the proposal should be strictly in accordance with the Basic Law and the relevant Interpretation and Decisions of the NPCSC;
- (ii) the proposal should stand a reasonable chance of gaining majority support of the Hong Kong community, securing passage by a two-thirds majority of all the Members of the LegCo, and receiving the approval or record by the NPCSC; and
- (iii) in terms of actual operation, the electoral procedures put forward under the proposal should be practical and practicable, simple and easy to understand, convenient to voters when exercising their voting rights, and conducive to maintaining an open, fair and impartial electoral system.

Public Consultation

9. During the five-month consultation period, we consulted widely and orderly through different channels so as to collect views on the issues set out in the Consultation Document from the LegCo, District Councils, organisations and individuals of different sectors of the community, as well as members of the public. During the public consultation period, we received a total of about 124 700 written submissions from various organisations and individuals.

10. To promote further discussion on the issues related to the two electoral methods among various sectors of the society, the Task Force listened to the views of the public and district personalities direct, including attending special meetings of the LegCo Constitutional Affairs Panel and related meetings of all 18 District Councils to listen to the views of the LegCo Members and District Council members on the related issues; attending meetings with deputations of the LegCo to listen to the views of 277 organisations and individuals on the related issues; attending meetings with individuals from a majority of the LegCo functional constituencies and EC subsectors; as well as attending forums and meetings organised by different organisations, to listen to their views on the two electoral methods. During the five-month consultation period, the Task Force attended a total of 226 such consultation and district events.

Summary of Views

11. The Task Force has submitted to me the Report on Public Consultation on the Methods for Selecting the Chief Executive in 2017

and for Forming the Legislative Council in 2016 (“Consultation Report”). The Consultation Report sets out in detail the views collected on the two electoral methods. I endorse, and also agree to publish, the Consultation Report. As regards the views contained in the Consultation Report, I have the following observations and conclusion:

Overall Views

- (i) The Hong Kong community is generally eager to see the implementation of universal suffrage for the CE election in 2017.
- (ii) The community generally agrees that the discussion should be made on the basis of the Basic Law and the relevant Interpretation and Decisions of the NPCSC, and in a rational and pragmatic manner, with a view to forging consensus for attaining universal suffrage for the CE election.
- (iii) The community generally agrees that successful implementation of universal suffrage for the CE election in 2017 will bring about positive impact on policy implementation, economy, and livelihood matters in Hong Kong in the future, and hence sustained development and the long-term prosperity and stability for Hong Kong.
- (iv) The community generally agrees that the CE should be a person who “loves the Country and loves Hong Kong”.

Method for Selecting the Chief Executive

- (v) The mainstream opinion is that Article 45 of the Basic Law has already made clear that the power to nominate CE candidates is vested in the NC only, and that the NC has a substantive power to nominate. Such power of nomination must not be undermined or bypassed directly or indirectly.

- (vi) As regards the composition of the NC, there are relatively more views that the composition of the NC should be decided by reference to the existing methods of forming the EC, i.e., composed of four sectors in equal proportions, in order to meet the requirement for being broadly representative. At the same time, there are considerable views that the number of seats of the NC could be suitably increased pro rata across the four sectors to accommodate new subsectors or to enhance the representativeness of existing subsectors. However, there are also quite a number of views that the NC should be of the same size as the current EC, i.e., 1 200 members; and that if there is a need to increase its size, the total number of members should not exceed 1 600.

- (vii) There are different views on how the NC should nominate CE candidates in accordance with “democratic procedures”. Some consider that the nominating procedures may be divided into two stages: in the first stage, the persons contending for nomination shall be recommended by a certain number of NC members; and in the second stage, the NC shall nominate a

number of candidates amongst the persons so recommended. There are quite a number of views considering that a person contending for nomination has to obtain support from at least a certain proportion of members of the NC in order to formally become a candidate, so as to demonstrate that such a person has cross-sector support in the NC; to reflect the democratic principle of “the majority rule”, and to meet the requirement of the NC to nominate as an organisation. Some however consider that the nomination threshold should remain at one-eighth of the membership, like the existing EC. There are other proposals from some organisations and individuals on nomination thresholds and nominating procedures, including proposals introducing “civic nomination”, “party nomination”, etc., outside of the NC.

- (viii) Regarding the number of CE candidates, there are two major views. One of the views is that there is a need to ensure the solemnity of the election and allow voters to have sufficient understanding of the candidates’ manifestoes and missions, and hence it is necessary to fix the number of candidates. The other view is that there is no need to restrict the number of candidates. Of those who consider that there is a need to set the number of candidates, some suggest to set the number of candidates at two to three since the number of candidates in the past CE elections was around two to three; while some put forward other numbers of candidates.

- (ix) Regarding the voting arrangements for electing the CE by universal suffrage, there are relatively more views that there should be two rounds of voting so as to enhance the legitimacy of the candidate returned by election; while some views consider that only one round of voting using the simple majority method should be held to elect the CE-elect.

Method of Forming the Legislative Council

- (x) The public generally agrees that since the successful implementation of universal suffrage of the CE election in 2017 is a pre-condition for the election of all the Members of the LegCo by universal suffrage, efforts should now be focused on the proper handling of universal suffrage for the CE election. Moreover, as relatively substantial amendments had been made to the method for forming the LegCo in 2012, it is generally agreed that there is no need to amend Annex II to the Basic Law regarding the method for forming the LegCo in 2016.

Conclusion and Recommendations

12. The Hong Kong community is generally looking forward to implementing universal suffrage for the CE election as scheduled and in accordance with the law. By establishing the Task Force, publishing the Consultation Document, and listening to the views and suggestions from different sectors of the community in an open, inclusive and pragmatic manner, the objective of the HKSAR Government is that the society would engage in rational discussions so as to forge consensus and attain

the aim of universal suffrage for the CE election as provided for in the Basic Law as scheduled. The outcome of this public consultation shows that the people of Hong Kong adopt a rational and pragmatic attitude when discussing issues related to the methods for selecting the CE in 2017 and for forming the LegCo in 2016. It is the general aspiration of the community that there should be further democratisation of the electoral systems of the HKSAR, that universal suffrage for the CE election in 2017 should be attained in accordance with the Basic Law and the relevant Interpretation and Decisions of the NPCSC as scheduled, and that the work relating to the electoral method of the LegCo in 2016 could be handled well.

13. During the public consultation period, the people of Hong Kong had different views and suggestions on how to implement universal suffrage for the CE election, and their views on certain key issues were quite divergent. In addition, I am aware that after the conclusion of the first round of public consultation, a number of groups and members of the public still expressed their wishes and aspirations concerning the implementation of universal suffrage for the CE election in 2017 through different ways and channels, and their views remain divergent. Constitutional development issues are complicated, and it is understandable that the community has different opinions and arguments over specific proposals. I believe that the aspiration of the public to attain the aim of universal suffrage as scheduled is shared by the Central Authorities and the HKSAR Government alike. The general public of Hong Kong would agree that specific proposals should be formulated in accordance with the Basic Law and the relevant Interpretation and Decisions of the NPCSC in order to successfully implement universal suffrage. In the next round of consultation, the HKSAR Government

will continue to strive to narrow the differences amongst different sectors of the community and Members of the LegCo, to seek common ground in a peaceful, rational and pragmatic manner, and to work together towards attaining the aim of universal suffrage.

14. Regarding the key issue on the nominating procedures, although there were professional bodies of the legal sector and other members of the public pointing out during the consultation period that “civic nomination” was not in compliance with the Basic Law, it is worth noting that there were still considerable views after the conclusion of the public consultation that the element of “civic nomination” should be included in the nominating procedures of the universal suffrage for the CE election.

15. Having fully considered the views of the LegCo, District Councils, organisations and individuals from different sectors as well as members of the public, I am of the view that the community of Hong Kong generally hopes that universal suffrage for the CE election could first be implemented in 2017, so that over five million eligible voters in Hong Kong could elect the next CE through “one person, one vote” in 2017, thereby taking an important step forward in the constitutional development of Hong Kong. It is also generally believed that efforts should first focus on handling properly universal suffrage for the CE election in 2017, seizing the opportunity to implement universal suffrage for the CE election as scheduled; and that Annex II to the Basic Law should not be amended for the method for forming the LegCo in 2016. After universal suffrage for the CE election is implemented in 2017, the community could focus again on discussing how the ultimate aim of the election of all the Members of the LegCo by universal suffrage as

stipulated in Article 68 of the Basic Law could be attained, in order to accomplish this historic task.

16. In light of the above, I take the view that there is a need to amend the method for selecting the CE in 2017 in order to attain the aim of universal suffrage. Annex II to the Basic Law concerning the method for forming the LegCo in 2016 need not be amended. In accordance with Articles 45 and 68 of and Annexes I and II to the Basic Law, and the Interpretation adopted by the NPCSC in 2004, I now invite the NPCSC to determine whether there is a need to amend the methods for selecting the CE in 2017 and for forming the LegCo in 2016.

C Y Leung
Chief Executive
Hong Kong Special Administrative Region
15 July 2014

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