

## **Background of Constitutional Development in Hong Kong**

Before the early 1980s, there was not much democratic progress in Hong Kong.

2. Prior to 1997, all 28 British Governors who administered Hong Kong for a total of 155 years were despatched by the British Government without any input from the Hong Kong people, or the British people for that matter.

### ***CE election***

3. Since 1997, the political structure of Hong Kong has been developing towards the ultimate aim of universal suffrage in accordance with the Basic Law. The size of the Election Committee (EC) has expanded from the 400-member Selection Committee in 1996, to 800 for the EC in 2002 and to 1200 in 2012. The 1200 EC members come from four sectors, which are made up of 38 sub-sectors. Out of the 38 sub-sectors, 35 return their representatives by voting in one way or another. For the remaining three subsectors, the members of religious subsectors are returned by nomination, while the Hong Kong deputies to the National People's Congress (NPC) and LegCo Members are de-facto members.

### ***LegCo elections***

4. When the Basic Law was implemented in 1990, there was not a single directly elected seat in the Hong Kong LegCo. Since 1997, the election method for the legislature has become increasingly democratic. The number of seats returned by direct geographical constituency (GC)<sup>1</sup> elections has increased from 20 in 1998 to 35 in 2012. After the 2004 elections, the proportion of seats returned by GC direct geographical elections had increased by 50% to account for half of all LegCo seats. In addition, the five new functional constituency (FC) seats created in 2012<sup>2</sup> returned Members through election, on the basis of “one person, one vote”, by some 3.2 million registered voters who previously did not have a vote in the traditional FCs.

5. The compositions of the first to fifth terms of the LegCo are as follow:

<b>Membership</b>	<b>First term (1998-2000)</b>	<b>Second term (2000 – 2004)</b>	<b>Third and fourth terms (2004-2008 and</b>	<b>Fifth term (2012 – 2016)</b>
-------------------	-----------------------------------	--------------------------------------	--	-------------------------------------

<sup>1</sup> Eligible persons aged 18 or above have the right to be registered as electors and to vote in the geographical constituency elections, which are held on the basis of universal suffrage.

<sup>2</sup> The five seats of District Council (second) FC are returned with the whole Hong Kong as a single constituency. Candidates must be elected District Council members; whereas electors are registered GC electors who are not registered in other FC.

			2008 – 2012)	
Elected by GC through direct election	20	24	30	35
Elected by FC	30	30	30	35
Elected by Election Committee	10	6	-	-
Total	60	60	60	70

### ***Recent developments on constitutional reform***

6. Since 2004, there have been extensive discussions in the community on how to amend the methods for selecting the CE and for forming the LegCo, and on issues relating to universal suffrage. According to the Basic Law and the 2004 Interpretation by the NPCSC, amendments to the method of selection/formation have to go through a “Five-step Process” according to law:

- First Step: The CE makes a report to the NPCSC, so as to invite the NPCSC to decide whether it is necessary to amend the method of selection/formation;
- Second Step: The NPCSC determines whether any amendment to the method of selection/formation may be made;
- Third Step: If the NPCSC determines that amendments may be made, the HKSAR Government will introduce to the LegCo a resolution on the amendments to the method for selecting the CE/method for forming the LegCo, to be passed by a two-thirds majority of all LegCo Members;
- Fourth Step: The CE consents to the resolution as passed by the LegCo; and
- Fifth Step: The CE lodges the relevant bill to the NPCSC for approval (in the case of the CE election) or for the record (for the LegCo election).

7. In December 2007, the NPCSC adopted a Decision that provides a clear timetable for attaining universal suffrage in Hong Kong, i.e., the election of the CE 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 may be implemented by the method of electing all the Members by universal suffrage.

8. On 4 December 2013, the HKSAR Government published the “Consultation Document on the Methods for Selecting the Chief Executive in 2017 and for Forming the Legislative Council in 2016” and launched a five-month public consultation to prepare for the constitutional procedures to be

taken by the CE as regards whether there is a need to amend the two electoral methods.

9. During the five-month consultation period, the Task Force on Constitutional Development, together with the relevant Politically Appointed Officials and colleagues from the civil service, attended a total of 226 consultation and district events, which included special meetings of the LegCo Panel on Constitutional Affairs and the meetings of all 18 District Councils, as well as a number of meetings with different political parties or groups and the Members of the LegCo. During the public consultation period, about 124 700 submissions were received from different groups and individuals.

10. The consultation report was published on 15 July 2014. The report set out the following major observations:

- (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 the 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”.

11. On 15 July 2014, the CE submitted his Report to the NPCSC together with the Consultation Report, saying that there is a need to amend the electoral method for the 2017 CE election, with a view to attaining universal suffrage. This took into account the report of the five-month public consultation conducted by the Task Force.

12. On 31 August 2014, the NPCSC announced its decision setting out a clear framework on the specific method for selecting the CE by universal suffrage. Highlight of the decision are set out below:

- (i) Starting from 2017, the selection of the CE of the HKSAR may be implemented by the method of universal suffrage.
- (ii) When the selection of the CE is implemented by the method of universal suffrage, 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 CE.
- (iii) The nominating committee shall nominate two to three candidates for the office of CE in accordance with democratic procedures. Each candidate must have the endorsement of more than half of all the members of the nominating committee.
- (iv) All eligible electors of the HKSAR have the right to vote in the election of the CE and elect one of the candidates for the office of CE in accordance with the law.
- (v) The CE-elect, after being selected through universal suffrage, will have to be appointed by the Central People's Government.
- (vi) The existing formation method and voting procedures for the LegCo as prescribed in Annex II to the Basic Law will not be amended. The formation method and procedures for voting on bills and motions for the fifth term LegCo will continue to apply to the sixth term LegCo in 2016. After the election of the CE by universal suffrage, the election of all the members of the LegCo may be implemented by the method of universal suffrage.

13. The HKSAR Government will launch another round of public consultation to collect views on specific proposals (including how the nominating committee will be formed and the nominating process for potential candidates, etc.) on universal suffrage for the CE election in 2017, based on the constitutional framework and relevant NPCSC's decisions.