



# Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012 Public Consultation

## Highlights

November 2009

## Introduction

The National People's Congress Standing Committee (NPCSC) made a decision in December 2007, making clear the universal suffrage timetable: Hong Kong may implement universal suffrage for the Chief Executive (CE) in 2017 and for the Legislative Council (LegCo) in 2020. The decision also stipulates that appropriate amendments conforming to the principle of gradual and orderly progress may be made to the electoral methods for the CE and the LegCo in 2012.

The HKSAR Government has published a consultation document to consult the public on how the two elections in 2012 can be further democratised. To facilitate focussed discussion by the public, the HKSAR Government has set out in the consultation document the directions which may be considered regarding the key elements of the two electoral methods.

## Principles

In considering the electoral methods for the CE and the LegCo for 2012, we should take into account the following principles:

- it must comply with the relevant provisions of the NPCSC decision;
- it must be consistent with the principles under the Basic Law, including 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 the HKSAR;
- it can respond to the aspiration of the community on constitutional development and enhance the democratic elements of the elections, so as to pave the way for implementing universal suffrage for the CE in 2017 and for the LegCo in 2020; and
- it can have the possibility of being accepted by the majority of the public, the LegCo, the CE and the Central Authorities.

In the consultation document, we have tried to put forth the directions which may be considered for amending the electoral methods for the CE and the LegCo for 2012. Based on the directions put forth, we have summarised the relevant issues for consideration:

## Method for Selecting the Chief Executive in 2012

### The number of members of the Election Committee

- Do you agree that the number of members of the Election Committee should be increased to not more than 1200?

### The composition of the Election Committee

- Should the proportion of members of the four sectors remain even or not?
- Do you agree that most of the new seats in the fourth sector should be allocated to District Council members?
- What should be the extent of increase in the number of seats to be allocated to District Council members? Do you agree that only elected District Council members should take part in the election?

### The electorate base of the Election Committee

- Do you agree that the method of replacing “corporate votes” with “director’s / executive’s / association’s / individual votes” should not be adopted?
- Do you agree that the proportion of District Council members in the Election Committee should be increased to broaden the electorate base?

### The arrangements for nominating candidates for the office of the CE

- Do you agree that the nomination threshold should be maintained at the existing level, i.e. one-eighth of the total membership of the Election Committee?
- Do you agree that the arrangement of not setting an upper limit on the number of subscribers should be maintained?

## Political affiliation of the CE

- Do you agree that the requirement that the CE should not have any political affiliation should be maintained?

## Method for Forming the Legislative Council in 2012

### The number of seats in the LegCo

- Do you agree that the number of seats should be increased from 60 to 70?

### The electorate base of the functional constituencies (FCs)

- Do you agree that the method of replacing “corporate votes” with “director’s / executive’s / association’s / individual votes” should not be adopted?
- Do you agree that all the five new FC seats and the existing District Council seat should be returned through election by elected District Council members from among themselves to broaden the electorate base of the FCs?

### Nationality requirement of LegCo Members

- Do you agree that the existing arrangement of allowing Hong Kong permanent residents who are not of Chinese nationality or who have the right of abode in foreign countries to stand in the LegCo elections for 12 seats should remain unchanged?

## Injecting New Democratic Elements

The directions which may be considered, as set out by the HKSAR Government, aim to inject new democratic elements into the electoral methods for the CE and the LegCo for 2012:

- We have already attained the universal suffrage timetable in 2007.
- We have abided by the principle of not creating new “traditional” FCs. Increasing the number of seats to be returned through election by elected District Council members from among themselves can enhance the democratic elements of the LegCo.

- We suggest that consideration may be given to having all District Council seats in the Election Committee and the LegCo elected from among elected District Council members in 2012. This can further enhance the democratic elements of the elections. Close to 60% of the seats in the LegCo will then be returned by geographical constituencies through direct or indirect elections.

## No More Stalemate in Constitutional Development

If progress could be made for constitutional development in 2012, this would be conducive to a steady transition of our electoral system to universal suffrage.

The HKSAR Government is determined to roll forward Hong Kong’s democracy towards universal suffrage with utmost sincerity. We will adopt an open attitude in listening to the views of the members of the public, various sectors of the community and the LegCo on the two electoral methods for 2012.

## Your Views

You can obtain the consultation document from District Offices or download it from the Constitutional Development website of the Constitutional and Mainland Affairs Bureau ([www.cmab-cd2012.gov.hk](http://www.cmab-cd2012.gov.hk)). Please send us your views and comments by mail, facsimile or email **on or before 19 February 2010**:

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