

International Covenant on Civil and Political Rights

**Updates from the Hong Kong Special Administrative Region
following the Report of the Hong Kong Special Administrative
Region on its follow-up to the Concluding Observations
of the Human Rights Committee on the third periodic report
of the Hong Kong Special Administrative Region**

October 2014

Further to the Report of the Hong Kong Special Administrative Region (HKSAR) on its follow-up to the Concluding Observations of the United Nations Human Rights Committee on the third report of the HKSAR in the light of the International Covenant on Civil and Political Rights distributed on 27 March 2014 (CCPR/C/CHN-HKG/CO/3/Add.1), the HKSAR would like to provide further updates on the issue relating to paragraph 6 of the Concluding Observations of the Human Rights Committee on 26 March 2013.

2. It is the common aspiration of the Central People's Government of the People's Republic of China (PRC), the HKSAR Government and the people of the HKSAR to successfully implement universal suffrage for the Chief Executive (CE) election in 2017 in accordance with the Basic Law of the HKSAR of the PRC (Basic Law) (a law adopted by the National People's Congress of the PRC and having the status of constitutional law in the HKSAR), and the relevant interpretation and decisions of the Standing Committee of the National People's Congress of the PRC (NPCSC), which provides a five-step constitutional process for amending the electoral method of the CE set out in Annex I of the Basic Law.

3. The CE of the HKSAR is the head of the HKSAR as well as the head of the HKSAR Government, being accountable to both the Central People's Government and HKSAR. A candidate of CE returned at a local election is subject to appointment by the Central People's Government before he/she can assume office. The selection of the CE by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic process has its origin in Article 45 of the Basic Law. The method for selecting the CE by universal suffrage must therefore strictly comply with the relevant provisions of the Basic Law, accord with the principle of "One Country, Two Systems" (being one of the basic policies of the PRC regarding Hong Kong), and befit the legal status of the HKSAR.

4. The extensive five-month public consultation exercise launched on 4 December 2013 on the methods for selecting the CE in 2017 and for forming the Legislative Council (LegCo) in 2016 ended on 3 May 2014. During the consultation period, members of the Task Force on Constitutional Development and relevant Politically Appointed Officials attended 226 consultation and district events. A total of about 124 700 submissions in writing from different groups and individuals were received. Within the community, various events and forums were organised by different members and sectors of the community.

On 15 July 2014, the HKSAR Government published the Report on the 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 duly reflected the views received from different groups and individuals from various sectors of the community during the consultation period, and set out the full texts of the views received and opinion polls conducted by various academic, non-government and media organisations on issues relating to the two electoral methods in the Appendices. On the same day, the CE submitted a report to the NPCSC of the PRC to invite the NPCSC to make a determination on whether there is a need to amend the methods for selecting the CE of the HKSAR in 2017 and for forming the LegCo of the HKSAR in 2016, and formally kick-started the constitutional process for amending the electoral methods.

5. After comprehensive consideration of the report made by the CE and the views and opinions from different sectors of the community in Hong Kong, the NPCSC adopted 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 on 31 August 2014 (NPCSC's Decision). By the NPCSC's Decision, the NPCSC decided that, starting from 2017, the selection of the CE may be implemented by the method of universal suffrage. The NPCSC's Decision also sets out a clear framework on the specific method for selecting the CE by universal suffrage in accordance with the Basic Law. The NPCSC also decided that no amendment is required to be made to Annex II to the Basic Law regarding the method for forming the LegCo in 2016. The NPCSC's Decision is consistent with the Basic Law, appropriate to the actual situation in the HKSAR, conducive to upholding the sovereignty, security and development interests of the country and maintaining the long-term prosperity and stability of the HKSAR. It is the constitutional basis for the implementation of universal suffrage for the selection of the CE of the HKSAR. Its legal status and effect are impregnable.

6. The NPCSC's Decision adopted on 31 August 2014 is an important step forward of constitutional development in Hong Kong. By implementing universal suffrage for the CE election in 2017, about five million eligible voters in Hong Kong will, for the first time in the history of Hong Kong, be able to vote for the head of the Region through "one person, one vote". As views within the community concerning the

detailed design of the method for selecting the CE by universal suffrage are still divergent, the HKSAR Government will continue its best efforts to forge consensus within the community so as to realise the implementation of universal suffrage for the CE election in 2017.