BPF Brief Replies to Questions
by Constitutional Development Task Force

A1. It can only develop within the parameters of the Basic Law and its Annexes <u>read together</u>.

A2. The actual situation has to be one which enables gradual progress to be orderly. It should not be a <u>situation</u> in which change will give rise to disorder or a political impasse. For example, if the person selected or elected to become the Chief Executive is not acceptable to the Central People's Government, you would have an impasse; on the other hand, if the Chief Executive selected is not acceptable to the legislature or citizens of Hong Kong, this could be a situation which could lead to disorder.

A3. What Ji was talking about was the need for representative government which included the different sectors of society, not political development which would lead to domination by one party as in the United Kingdom where you can have a system of "elected dictatorship" as at present. The Government must have the development of the economy for the good of its citizens as its first priority since our assets are, more than ever, our human resources.

B1. Since any amendments to the method for electing the Chief Executive need to be reported to the NPC for approval, it would be advisable to seek the support of the Central People's Government first before enacting legislation. In other words, consensus should be reached first.

B2. Clearly if the Annexes are read as part of the Law, then Article 159 applies. In other words, there are many hurdles to cross.

B3. It appears that it would need to be a Government motion since it relates to political structure and any amendment to it would require a simple majority of the two groups present.

B4. Why not? Since there has to be a need for change. Vide Annexe II part III.

B5. Basic Law Draftsman and Lawyer Xiao Weiyun says explicitly in his book that it does and it is believed to be the opinion of Basic Law drafters. It is ambiguous. The ambiguity should be resolved but a clearer explanation would help.

5 March, 2004