

Summary of Views by Organizations/Individuals which/who met with the Constitutional Development Task Force
Issues on Principles and Legislative Process in the Basic Law relating to Constitutional Development

A. Principles

Principles	Views of Hong Kong Bar Association
<p>A1. How could Hong Kong’s political structure develop in accordance with the following principles in the relevant Basic Law provisions which relate to the relationship between the Central Authorities and the Hong Kong Special Administrative Region (HKSAR):</p> <p>(1) Hong Kong is an inalienable part of China (Article 1 of the Basic Law) ?</p> <p>(2) HKSAR comes directly under the Central People Government (CPG) (Article 12 of the Basic Law) ?</p> <p>(3) The Chief Executive (CE) is appointed by the CPG. He is accountable to both the CPG and the HKSAR (Articles 43 and 45 of the Basic Law) ?</p>	
<p>A2. On the principles of “actual situation” and “gradual and orderly progress”:</p> <p>(1) what should “actual situation” constitute?</p>	<ul style="list-style-type: none"> • “Actual situation” is the situation in the HKSAR itself. It is recognized though that events may happen elsewhere in the Mainland and may "radiate" so as to affect the situation in Hong Kong.

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<p>(2) how “gradual and orderly progress” should be understood?</p>	<ul style="list-style-type: none">● “Gradual and orderly progress” is a state of affairs calling for, essentially political judgment. As a matter of threshold, having regard to the provisions in the Basic Law on the method of election of the CE for the first and second term, the threshold for "gradual and orderly progress" has been attained even if there should be direct election of the CE in 2007.
<p>A3. Basing on Mr Ji Pengfei’s explanation in 1990, how could the development of Hong Kong's political structure:</p> <p>(1) meet “the interests of the different sectors of society”?</p> <p>(2)“facilitate the development of the capitalist economy”?</p>	<ul style="list-style-type: none">● “The interests of the different sectors of society” should already have been taken into account when LegCo endorsed amendments to the methods for selection of CE/formation of LegCo by a two-thirds majority.● “Facilitate the development of the capitalist economy” does not require a particular form of election for the CE or the Legislative Council, but is a matter of political judgment. Certainly the development of the capitalist economy does not mean there must be functional constituencies. Leading capitalist economies have more open elections and a higher degree of democracy.