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Subject: Constitutional Development Task Force

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A. Principles

A1. The CPG could mandate the HKSAR to select its Chief Executive by universal suffrage under the principle that Hong Kong is an unalienable part of China and that it is ultimately under the authority of the CPG. In practice, this would mean all candidates would have to take an oath of allegiance to the CPG and to the 'One China principle'. Should an elected CE break this oath, or judged by the CPG to have broken it, then the CPG would have the authority to remove him or her and return to the current method of selecting the Chief Executive.

This would roughly put an HKSAR CE on an equivalent international footing to an elected governor of a US state. He or she would have strong powers within the HKSAR but no power to declare independence or interfere in national policy.

A2. 'Actual situation' should mean what a reasonable person should judge to be in the best interests of the HKSAR at the present time. 'Gradual and orderly process' should mean a process which involves no sweeping changes but adequately reflects the aspirations of a universal Hong Kong electorate and does not threaten the CPG or the 'One China principle'. As Hong Kong is part of China, then the CPG must have the final say and 'One China' must be the over-riding principle.

In international terms, this would equate the relationship between China and the HKSAR to a British Overseas Territory which does not have the right to self determination. The British government still has sweeping powers with respect to its remaining overseas territories - ie Gordon Brown, the British Chancellor of the Exchequer, is currently threatening to legislate to make the Cayman Islands conform to UK standards on the sharing bank account information. However, on a day to day basis, the Cayman Islands virtually rules itself.

A3. The interests of the different sectors of society can only truly be reflected by universal suffrage as functional constituencies tend to protect vested interests and stifle new economic ideas. However, if Hong Kong is to facilitate the development of a capitalist economy then low taxation, the rule of law and low government expenditure (as a percentage of GDP) have to be maintained. It is difficult to reconcile the two. Perhaps some kind of spending or welfare pact could be introduced (like the stability pact for the Euro). This would be difficult.

B. Issues on Legislative Process

B1. The most appropriate method is local legislation only as only the method is being changed and not the law. However, as the HKSAR comes under the CPG, then the CPG ultimately has the authority to 'sign off' on any change to the method and put provisos in place to prevent a CE or LegCo promoting independence.

B2. No.

B3. A single member of LegCo should be allowed to do so in anyway he or she sees fit.

B4. Yes, it would maintain the anticipated status quo.

B5. Subsequent to the year 2007 should mean from January 1 2008 as it will remove all doubt.

Robert Kemp

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