

The Constitutional Development Task Force is gathering public views on the issues of principle and legislative process relating to constitutional development as laid down in the Basic Law. The principles and legislative process have been set out in a paper tabled at the meeting of the Legislative Council Panel on Constitutional Affairs on 14 January 2004. The Chief Secretary also briefed the Legislative Council on 11 February 2004 on the Task Force's first visit to Beijing.

To facilitate members of the public to give their views on the principles and legislative process, we have presented them in the form of questions. You are welcome to give us your views on these issues by clicking on the questions. We also welcome your views via the following methods:

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We intend to publish your views in future. If you wish to remain anonymous when your views are published, please state so in your submission.

In the course of our discussion with the Central Authorities, other issues which require examination might come up. Various sectors of the community in Hong Kong might also raise certain legal issues which require consideration. The Task Force will keep the public abreast of these and listen to views via this webpage and all other avenues.

A. Principles	Your Views
<p>A1. The Hong Kong Special Administrative Region (HKSAR) comes directly under the Central People's Government (CPG), the CPG has constitutional powers and responsibilities to oversee the constitutional development in the HKSAR, and has the responsibility to ensure that the development within Hong Kong's political structure is in accordance with "One Country, Two Systems" and the Basic Law, and the provisions relating to the relationship between the</p>	<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 HKSAR:</p> <p>(1) <u>Hong Kong is an inalienable part of China</u> (Article 1 of the Basic Law) ?</p> <p>(2) <u>HKSAR comes directly under the CPG</u> (Article 12 of the Basic Law) ?</p>

YES. OF COURSE

YES.

<p>Central Authorities and the HKSAR.</p>	<p>Law) ?</p> <p>(3) <u>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) ?</u></p>
<p>A2. Articles 45 and 68 of the Basic Law stipulate that the methods for selecting the CE and for forming the Legislative Council (LegCo) must be specified in the light of the "actual situation" in the HKSAR and in accordance with the "principle of gradual and orderly progress". The ultimate aim is the selection of the CE by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures, and the election of all the members of the LegCo by universal suffrage.</p>	<p>A2. On the principles of "actual situation" and "gradual and orderly progress":</p> <p>(1) <u>What should "actual situation" constitute?</u></p> <p>(2) <u>How "gradual and orderly progress" should be understood?</u></p> <p>↓ IN ACCORDANCE WITH THE WISHES OF THE MAJORITY OF PEOPLE IN H.K.</p>
<p>A3. When submitting the Basic Law (Draft) and its relevant documents to the Seventh National People's Congress on 28 March 1990, Mr Ji Pengfei, Chairman of the Drafting</p>	<p>A3. Based on Mr Ji's explanation in 1990, how could the development of Hong Kong's political structure:</p> <p>(1) <u>Meet "the interests of the different sectors of society"?</u></p> <p>(2) <u>"Facilitate the development of the capitalist economy"?</u></p>

This should be changed. The CE should be elected by the people of H.K. There universal suffrage

NOT ALWAYS BUT MOSTLY

→ YES

<p>the part of the existing political structure proven to be effective will be maintained, a democratic system that suits Hong Kong's reality should gradually be introduced....."</p>			
<p>B. Issues on Legislative Process</p>	<p>Your Views</p>		
<p>B1. Annex I to the Basic Law stipulates that "If there is a need to amend the method for selecting the Chief Executive for the terms subsequent to the year 2007, such amendments must be made with the endorsement of a two-thirds majority of all the members of the Legislative Council and the consent of the Chief Executive, and they shall be reported to the Standing Committee of the National People's Congress for approval."</p> <p>Annex II stipulates that "With regard to the method for forming the Legislative Council of the Hong Kong Special Administrative Region and its procedures for voting on bills and motions after 2007, if there is a need to amend the provisions of this Annex, such amendments must be made with the endorsement of a two-thirds majority of all the members of the Council and the consent of the CE, and they shall be reported to the Standing Committee of the National People's Congress for the record."</p>	<p>B1. <u>What is the most appropriate legislative procedure for amending the methods for selecting the CE and forming the LegCo set out in Annexes I and II:</u></p> <p>(a) Amendments to Annexes I and II and local legislation; or</p> <p>(b) Local legislation only?</p> <p>LOCAL WISHES FIRST THRU ELECTION. THEN FOR THRU THE HK LEGCO BEFORE BRINGING THE MATTER TO BEIJING</p>		
<p>B2. Article 159 of the Basic Law provides that</p> <p>"The power of amendment of this Law shall be vested in the National People's Congress.</p> <p>The power to propose bills for</p>	<p>B2. <u>Do we need to follow the procedures set out in Article 159 of the Basic Law, if we amend the methods for selecting the CE or forming the LegCo as specified in Annexes I and II of the Basic Law?</u></p> <p>WHY NOT?</p>		

amendments to this Law shall be vested in the Standing Committee of the National People's Congress, the State Council and the Hong Kong Special Administrative Region. Amendment bills from the Hong Kong Special Administrative Region shall be submitted to the National People's Congress by the delegation of the Region to the National People's Congress after obtaining the consent of two-thirds of the deputies of the Region to the National People's Congress, two-thirds of all the members of the Legislative Council of the Region, and the Chief Executive of the Region.

Before a bill for amendment to this Law is put on the agenda of the National People's Congress, the Committee for the Basic Law of the Hong Kong Special Administrative Region shall study it and submit its views.

No amendment to this Law shall contravene the established basic policies of the People's Republic of China regarding Hong Kong."

<p>B3. Initiation of amendments relating to the methods for selecting the CE and for forming the LegCo</p>	<p>B3. <u>How should any amendment relating to the methods for selecting the CE and for forming the LegCo be initiated?</u></p>		
<p>B4. Annex II to the Basic Law clearly prescribes the method for forming the first, second and third terms of the LegCo. However, Annex II does not prescribe explicitly the method for forming the LegCo for the fourth and subsequent terms.</p>	<p>B4. <u>Whether the method for formation of the third term LegCo could be used for the fourth term LegCo, if no consensus were reached on whether to amend the method for forming the LegCo after 2007?</u></p>		
<p>B5. Annex I to the Basic Law stipulates that "if there is a need</p>	<p>B5. <u>Whether the phrase "subsequent to the year 2007" should be understood to include 2007?</u></p>		

TAKU
ELECTION
REFERENDUM

DOVE TAIL
WITH
B2 ANSWER
ABOVE

YES