

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

**A. Principles**

Principles	Views of Hong Kong Human Rights Monitor
<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>	<ul style="list-style-type: none"> <li>• Hong Kong is an inalienable part of China. No one in history has ever strived for the independence of Hong Kong. However, while we emphasize “one country”, we should not undermine the importance of “two systems”. The Task Force must strike a balance between one country and two systems during the discussion of constitutional development.</li> <li>• Article 12 not only stresses that HKSAR “comes directly under the CPG”, but also provides that the HKSAR is to “enjoy a high degree of autonomy”. The latter is what distinguishes Hong Kong from other cities in the Mainland. The Task Force and the HKSAR Government must defend Hong Kong’s high degree of autonomy or Hong Kong will become “one country one system”, and fail to realize Deng Xiao-ping’s vision to unite Hong Kong, Macau and Taiwan.</li> <li>• The Chief Executive is accountable to <b><u>BOTH</u></b> the CPG and the HKSAR. The current and future Chief Executives should not favour only the interests of the Central Government. The Basic Law has bound them to be accountable to both. The accountability to</li> </ul>

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	<p>Hong Kong is in fact greater, since the Chief Executive is responsible ultimately for the welfare of the people of Hong Kong.</p>
<p>A2. On the principles of “actual situation” and “gradual and orderly progress”:</p> <p>(1) what should “actual situation” constitute?</p> <p>(2) how “gradual and orderly progress” should be understood?</p>	<ul style="list-style-type: none"><li>• It is the actual situation <i>in the Hong Kong Special Administrative Region</i> (as against in other parts of China) which is the relevant consideration as set out in Articles 45 and 68 of the Basic Law.</li><li>• The “actual situation” in Hong Kong is that, since the Handover, Hong Kong people’s demand for universal and equal suffrage to elect the Chief Executive and all seats of the Legislative Council have grown dramatically and have never previously been as high as they have become recently. Any delay in granting equal and universal suffrage may force people once again to make their feelings felt by people power movements.</li><li>• “Gradual and orderly progress” is still progress. “Progress” means “moving forward”, not standing still. It certainly does not mean or permit moving backwards.</li><li>• The first District Councils Election was held in 1982, and indirect election was introduced to the LegCo in 1985. By 2007, Hong Kong’s political structure has already “gradually and orderly progress” for a quarter of the century. The public can wait no longer for full universal suffrage.</li><li>• Hong Kong is one of the few places in the world with a</li></ul>

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	high GDP, a highly educated population, a sound legal system, free press, etc. without a full democratic political system. Hong Kong will only become ready for democracy as democracy is increasingly practiced.
<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"><li>• Only the actual wordings of the Basic Law should be taken into consideration when interpreting the Basic Law. Any other comments or documents, no matter who they were from, can only be of reference value and should only be considered in the very limited circumstance where one cannot ascertain a rational meaning by reading the words of the Basic Law itself.</li><li>• The interests of the different sectors of society can only be met by one person, one vote. Currently, our Chief Executive is selected by an 800-person election committee; while in 2004, half of the 60 LegCo members will still be returned by functional constituencies, many of which have a very small number of electors. The continued existence of these functional constituencies means that the LegCo is biased towards the business and professional sectors and does not properly represent the great majority of citizens.</li><li>• Functional constituencies are an archaic British feudal concept which have no place in the modern world and are not now used in the legislature of any country. It is these functional constituencies which led the United Nations to condemn Hong Kong’s electoral system as</li></ul>

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	<p>quoted as the start of this submission.</p> <ul style="list-style-type: none"><li>• Human Rights Monitor calls for the functional constituencies to be abolished completely in 2007 and replaced by direct election of all members of the Legislative Council from geographical constituencies.</li><li>• Without democracy there can be no real accountability on the part of Government. Without Government accountability maintenance of the rule of law and of a level playing field in relation to Government tenders are very difficult. The rule of law and relative freedom from corruption are major economic strengths of Hong Kong which will be enhanced by more democratic accountability.</li></ul>