

Legislative Council Panel on Constitutional Affairs

Decision of the Standing Committee of the National People's Congress on the Chief Executive's Report on whether there is a need to amend the methods for selecting the Chief Executive of the Hong Kong Special Administrative Region in 2007 and for forming the Legislative Council of the Hong Kong Special Administrative Region in 2008

(Translation)

Introduction

This paper briefs Members on the decision of the Standing Committee of the National People's Congress (NPCSC), promulgated on 26 April 2004, on the Chief Executive's Report on whether there is a need to amend the methods for selecting the Chief Executive of the Hong Kong Special Administrative Region in 2007 and for forming the Legislative Council of the Hong Kong Special Administrative Region in 2008, as well as on HKSAR Government's position on the decision and its follow-up work.

Background

2. In the past three months, the Constitutional Development Task Force has examined in depth the relevant issues of principle and legislative process in the Basic Law relating to constitutional development, consulted the relevant departments of the Central

Authorities, and gathered the views of the public on the relevant issues. In this connection, the Task Force published on 30 March its First Report on the issues of legislative process, and on 15 April its Second Report on the issues of principle. On 15 April, after consulting the Executive Council, the Chief Executive endorsed the content of the two Reports of the Task Force and agreed with its views and conclusion. The Chief Executive considered that the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008 should be amended, so as to enable Hong Kong's constitutional development to move forward. Accordingly, the Chief Executive submitted a report to the NPCSC on 15 April, in accordance with the Interpretation of the relevant provisions of the Annexes to the Basic Law adopted by the NPCSC on 6 April 2004. The report requested the NPCSC to determine, in accordance with the provisions of Articles 45 and 68 of the Basic Law, and in the light of the actual situation in the HKSAR and in accordance with the principle of gradual and orderly progress, whether the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008 may be amended.

The NPCSC's Decision

3. On 25 and 26 April 2004, the NPCSC deliberated on the report submitted by the Chief Executive on whether there is a need to amend the methods for selecting the Chief Executive of the Hong Kong

Special Administrative Region in 2007 and for forming the Legislative Council of the Hong Kong Special Administrative Region in 2008. In accordance with the relevant provisions of the Basic Law and the “Interpretation by the Standing Committee of the National People’s Congress of Article 7 of Annex I and Article III of Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China”, the NPCSC made a decision on methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008 in the HKSAR. The decision was promulgated on 26 April. The relevant decision of the NPCSC is attached at Appendix (Chinese text only) for Members’ reference.

The HKSAR Government’s Position

4. The HKSAR Government welcomes the NPCSC’s decision to accept the Chief Executive’s recommendation, and to determine that the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008 could be appropriately amended. As referred to in the NPCSC’s decision, before making the decision, the NPCSC has consulted various parties, including the Constitutional Development Task Force and different sectors of the Hong Kong community, and has taken these opinions into account. In its decision, the NPCSC has also stated that it is the consistent stance of the Central Authorities to develop democracy in the HKSAR in the light of the actual

situation in the HKSAR and in accordance with the principle of gradual and orderly progress, according to the provisions of the Basic Law of Hong Kong. Along with the development and progress of various sectors in Hong Kong, and through joint efforts by the HKSAR Government and residents of Hong Kong, the democratic system in the HKSAR will continue to move forward with the ultimate aim, as provided for in the Basic Law of Hong Kong, of selecting the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures, and of electing all Members of the Legislative Council by universal suffrage.

5. The NPCSC's decision has initiated formally the amendment mechanism in the Annexes to the Basic Law. The relevant decision has also clarified the scope for amendments. This helps the Task Force to embark on its work for the next stage.

Next Stage of Work

6. The Task Force will embark on the next stage of work as soon as possible. We will seek to release our Third Report within May. In the light of the scope for amendments referred to in the NPCSC's decision, the Third Report will set out the areas which may be amended in respect of provisions relating to the methods for selecting the Chief

Executive and for forming the Legislative Council, so as to provide reference to various sectors of the community when formulating specific proposals in the coming months.

7. In the Third Report, the Task Force will also invite different sectors of the community to put forth their views and suggestions on the provisions relating to the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008, provided that they are consistent with the provisions of the Basic Law and the NPCSC's decision. Of course, if any member of the community has already got certain views and suggestions, he is most welcome to forward them to the Task Force at any time.

8. The Task Force will start to widely collect the views of the community at the same time, when its Third Report is released. Detailed arrangements will be set out, when the Third Report is published.

Constitutional Affairs Bureau

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