

## **Legislative Council Panel on Constitutional Affairs**

### **Report by the Chief Executive to the Standing Committee of National People's Congress and the Second Report of the Constitutional Development Task Force**

#### **Introduction**

This paper briefs Members on :

- (a) the Report submitted by the Chief Executive (CE) to the Standing Committee of the National People's Congress (NPCSC) on 15 April 2004; and
- (b) the Second Report of the Constitutional Development Task Force.

#### **CE's Report to NPCSC**

2. On 15 April 2004, after consulting the Executive Council, the CE considered that the methods for selecting the CE in 2007 and for forming the Legislative Council (LegCo) in 2008 should be amended, so as to enable Hong Kong's constitutional development to move forward. Accordingly, the CE submitted a report to the NPCSC on the same day, in accordance with the interpretation of the relevant provisions in the Basic Law adopted by NPCSC on 6 April 2004.

3. In his Report to the NPCSC, the CE gave a brief account of the work done by the Task Force in the past three months or so, which led to the publication of the First and Second Reports of the Task Force. The CE also presented the views of the HKSAR Government on the issues of principle relating to constitutional development in the Basic Law. These views were formulated after taking into account fully the views of the public collected by the Task Force, as well as the discussion between the Task Force and the relevant departments of the Central Authorities (please see paragraph 6 below). The CE stated in the report that, in considering how to amend the methods for selecting the CE in 2007 and for forming the LegCo in 2008, we should have regard to certain factors. The CE 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 HKSAR and in accordance with the principle of gradual and

orderly progress, whether the methods for selecting the CE in 2007 and for forming the LegCo in 2008 may be amended.

### **Task Force's Second Report**

4. In the past three months or so, the 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. On 30 March 2004, the Task Force published its First Report on the issues of legislative process. The Task Force's Second Report, which was published together with the CE's Report to the NPCSC on 15 April 2004, focuses on the issues of principle.

5. Chapter three of the Second Report sets out in detail the constitutional basis of constitutional development and the actual situation of the HKSAR at present. Chapter four presents the views of the community received by the Task Force since January this year concerning the issues of principle. Chapter five sets out the Task Force's views on the issues of principle. The public submissions received by the Task Force as well as the records of meetings between the Task Force and the relevant organisations and individuals on these issues are attached to the Second Report as Annexes.

6. After considering the views of the public collected since January this year, the Task Force has set out in the Second Report its views on the issues of principle relating to constitutional development in the Basic Law as follows:

- (a) in examining the direction and pace of constitutional development, the HKSAR must pay heed to the views of the Central Authorities;
- (b) any proposed amendments must comply with the provisions of the Basic Law. Amendments to the design and principles of the political structure prescribed in the Basic Law must not be lightly contemplated;
- (c) no proposed amendments shall affect the substantive power of appointment of the CE by the Central Authorities;

- (d) any proposed amendments must aim at consolidating the executive-led system headed by the CE, and must not deviate from this principle of design;
- (e) development towards the ultimate aim of universal suffrage must progress in a gradual and orderly manner step by step. The pace should not be too fast. The progress must accord with the actual situation in the HKSAR, in order to maintain its prosperity and stability;
- (f) when considering the actual situation, public opinions, as well as other factors including the legal status of the HKSAR, the present position of constitutional development, economic development, social conditions, the understanding of the public of “One Country, Two Systems” and the Basic Law, public awareness on political participation, the maturity of political talent and political groups, as well as the relationship between the executive authorities and the legislature, must be taken into account;
- (g) any proposed amendments must enable different sectors of society to be represented in the political structure, and to participate in politics through various channels;
- (h) any proposed amendments should ensure that consideration will continue to be given to the interests of different sectors of society; and
- (i) any proposed amendments must not bring about any adverse effect to the systems of economy, monetary affairs, public finance and others as prescribed in the Basic Law.

### **Submission of Reports to NPCSC**

7. On behalf of the CE, the Secretary for Constitutional Affairs submitted the CE’s Report as well as the Task Force’s Second Report to Mr Qiao Xiaoyang, the Deputy Secretary General of NPCSC, on 15 April.

### **Availability of Reports**

8. Copies of the two Reports have separately been dispatched to all LegCo Members. The public may obtain copies from the Public Enquiry Service Centres (PESCs) of District Offices, or they may access the Reports via the constitutional development website ([www.cab-review.gov.hk](http://www.cab-review.gov.hk)). The Annexes to the Task Force's Second Report are available at the PESCs for public inspection. They have also been uploaded onto the constitutional development website.

Constitutional Affairs Bureau  
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