

Legislative Council Constitutional Affairs Panel Meeting
14 October 2000

Policy Objective of Constitutional Affairs Bureau
Speech by the Secretary for Constitutional Affairs

Introduction

The Policy Objective for the Constitutional Affairs Bureau (CAB) is to maintain confidence in the constitutional arrangements of the Hong Kong Special Administrative Region (HKSAR). We will work on the following areas in the coming year:

- (i) continue to facilitate the implementation of the Basic Law and promote understanding of the Basic Law, to secure community confidence in the principle of “One Country, Two Systems” and the full and faithful implementation of the Basic Law;
- (ii) continue to facilitate the maintenance of cordial and constructive working relationships with the Central People’s Government (CPG), other Mainland authorities and the Macao Special Administrative Region (MSAR) Government;
- (iii) continue to facilitate the HKSAR’s active participation in the international arena;
- (iv) ensure continual development of the electoral systems;
- (v) study the system of accountability;
- (vi) improve the relationship between the executive and the legislature.

2. In the past year, we endeavoured to implement the initiatives that we pledged in 1999 and before. I am pleased to inform Members that of the 23 targets set by CAB, seven have been completed. The remaining 16 items are our on-going commitments. We will report progress to the Legislative Council and the community on a regular basis. Now, I would like to outline the focus of CAB's work in the coming year.

Implement the Basic Law and promote understanding of the Basic Law

3. CAB plays the role of coordinator in the implementation of the Basic Law. We will continue to assist colleagues in other bureaux and departments in the implementation of the Basic Law in their respective areas of work.

4. We will conduct a survey by the end of this year to evaluate the effectiveness of past efforts to promote the Basic Law and identify better means to do so. We intend to launch an intensive publicity programme in the coming two years to increase people's understanding of specific provisions of the Basic Law. We will also improve and enrich the contents of the Basic Law Homepage to provide the local and overseas communities with Basic Law related information on the Internet.

Facilitate the maintenance of cordial and constructive working relationships with the CPG, other Mainland authorities and the MSAR Government

5. CAB seeks to maintain cordial working relationships with the CPG, other Mainland authorities and the MSAR Government, and to foster exchanges and contacts, in accordance with the principle of "One Country, Two Systems".

Facilitate the HKSAR's continued and active participation in the international arena

6. In the past year, the HKSAR continued to participate actively in the international arena thereby enhancing its status as an international trade, financial, aviation and shipping centre.

7. In the coming year, CAB will continue to provide advice to other bureaux and departments to ensure that the HKSAR will continue to participate actively in international organizations and conferences, host international conferences and conclude agreements with foreign states in accordance with the Basic Law.

Ensure continual development of the electoral systems

8. In accordance with the relevant provisions of the Basic Law, the second-term Legislative Council elections were held on 10 September. We are reviewing various aspects of the electoral arrangements including, for example, whether a mechanism should be put in place for candidates to withdraw after the close of nominations. We hope that through the review, we can identify improvement measures for implementation in future elections.

9. We will also focus our attention on the possibility of using more new technologies in polling and counting processes. The Registration and Electoral Office has engaged a consultant to study these issues. We will in particular examine the pros and cons of different models of computerized voting and counting, and automatic voter registration. The consultant is expected to complete his report by early next year.

10. Another major task next year is to make arrangements for the election of the Chief Executive in 2002 in accordance with the Basic Law. Our target is to introduce a bill on the election into the Legislative Council in mid-2001.

We are also examining the feasibility of introducing a political party law and will consult the Legislative Council at the appropriate time.

11. The Basic Law lays down the framework for the development of the political system of the HKSAR for the ten years after 1997. The Basic Law already provides a mechanism for the HKSAR to decide the method for forming the Legislative Council after 2007. The Basic Law gives us ample time to create the appropriate conditions and environment to allow mature views to emerge and for us to trigger the relevant mechanism at the appropriate time. We have already started studying the government systems of other places in the world. We will analyze their strengths and weaknesses, and see if we can learn from them. We will also consider the recommendations contained in the report on the development of Hong Kong's political system prepared by the Constitutional Affairs Panel of the previous Legislative Council.

Study the system of accountability

12. The Chief Executive has announced in his policy address that we need to study how to enhance the accountability of principal officials at Secretaries and Directors of Bureaux rank for their respective policy portfolios. We would need to consider devising a compatible system of appointment for these principal officials, setting out their powers and responsibilities and at the same time defining clearly their role in formulating and implementing government policies under the new system. In the course of our study, we will listen to the views of the various sectors of the community.

Improve the relationship between the executive and the legislature

13. The Basic Law provides for a system of checks and balances and a complementary relationship between the executive and the legislature. Therefore, it is not surprising that there may be divergent views and, sometimes,

tension between the two institutions. This is a natural phenomenon in our political system.

14. While exercising these checks and balances, the executive and the legislature should also seek to complement one another. We firmly believe there is scope for better cooperation.

15. In the past, through various means in the policy-making process, government officials discussed with Members of the Legislative Council our thinking and proposals. However, there were no standard arrangements. During the term of the previous Legislative Council, the policy bureaux, to varying degrees, submitted their policy proposals to the Legislative Council Panels for discussion. There was however no uniform practice and the results were not notable. We need to study with Members whether we can make better use of the Panels and enhance their roles, to enable the executive authorities and the legislature to discuss policy issues. Our target is two-fold. First, it allows the executive authorities to understand fully the standpoints and opinions of Members so that the policies formulated and Bills submitted will have the support of the Legislative Council. Secondly, from Members' point of view, the public will understand the degree of influence exercised by Members over the policy-making process through the operation of the Panels. The whole process is highly transparent. This is not a new initiative. The Bills Committee System which was practised during the last few years already provides a forum for the Government to discuss with Members the rationale and the specific provisions of a Bill introduced into the Legislative Council to gather the views of Members and to reach consensus. We hope to extend this effective channel of communication to the Legislative Council Panels to further strengthen the cooperation between the executive authorities and the legislature.

Constitutional Affairs Bureau

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