

Attention: Clerk to the Panel on Constitutional Affairs
Legislative Council

Dear Sir,

Please accept this e-mail as my submission to the Panel on Constitutional Affairs for its meeting on 16-Jun-03.

I am astounded by the fact that the administration even finds it necessary to consult the public on what the Basic Law means. It should be quite plain from the wording of Paragraph 7 to Annex 1 of the Basic Law:

"terms subsequent to the year 2007"

that this refers to any term "subsequent to the [term ending in the year] 2007", including the third term, which commences on 1-Jul-2007. This is also supported by the following arguments:

1. 90% of the third term, specifically the 4.5 years from 1-Jan-2008 to 30-Jun-2012, falls after 2007

2. If the drafters of the Basic Law had meant to refer only to the 4th term onwards, then they would have written "terms subsequent to 2011" or "terms subsequent to 2012" rather than "terms subsequent to 2007".

3. Please refer to Annex II, which relates to the formation of LegCo, and clearly contemplates the composition for the 2nd and 3rd terms of Legco (originally, 1999-2003 and 2003-2007) but not the 4th term, and by implication section III of Annex II titled "Method for the formation of the Legislative Council and its voting procedures subsequent to the year 2007" was intended to deal with the term which begins in 2007 (although I understand this is now 2008 due to the extra year we had of the Provisional LegCo). This wording is almost the same as the wording in question in Annex I.

Aside from the logical arguments set out above, as an investor, I can tell you that any attempt by the administration to bend the law or drag its feet on the most urgent need for constitutional reform will be interpreted negatively by the market, who are increasingly frustrated by the problems that

arise from the lack of a democratically elected Chief Executive elected by universal suffrage.

The only way for the Chief Executive to be accountable to the people of Hong Kong is for him or her to be elected by the people of Hong Kong, and I mean all adults who are not in jail or insane, not 800 individuals. True accountability lies in the ability to elect or remove a person from office. Whatever the nature of the individual in the office, the Chief Executive can only exert strong leadership to drive Hong Kong forward if he or she has the electoral mandate of the people he or she governs.

It is patently obvious to any reasonable observer that the administration is seeking a way to defer the debate on universal suffrage until the 2012 elections when the Basic Law clearly intended that this opportunity should arise in 2007.

This submission is digitally signed, and my phone number is set out below.

Yours faithfully

David M Webb
Editor, Webb-site.com