

CS' statement

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Following is a statement on constitutional development after 2007 given by the Chief Secretary of Administration, Mr Donald Tsang, at a press conference today (January 7):

Ladies and Gentlemen,

As you know, the Chief Executive has in his Policy Address today outlined the Government's considerations in dealing with our review on constitutional development after 2007. The Chief Executive has asked me to set up and chair a task force to examine in an in-depth manner the relevant principles and legislative process of the Basic Law relating to constitutional development, and to consult the relevant departments of the Central Government. We will, of course, encourage everyone in Hong Kong to express their views.

Hong Kong's future constitutional development affects every member of society. This issue is not just about the running of the government, it is also intricately linked to our economic and social development. We believe it is important for members of the public to actively express their views. Indeed, over the past few months many in the community have been doing this. We are listening. And we will not shirk our responsibility to take forward the constitutional review.

At the same time, however, our future constitutional development also involves the relationship between the Special Administrative Region and the Central Authorities.

Annex I of the Basic Law provides that if there is a need to amend the method of selecting the Chief Executives for terms subsequent to 2007, such amendments shall be reported to the Standing Committee of the National People's Congress for approval. Annex II provides that any amendments to the method of forming the Legislative Council after 2007 shall be reported to the Standing Committee of the National People's Congress for the record.

Articles 45 and 68 state that the methods for selecting the Chief Executive and forming the Legislative Council shall be specified in the light of the actual situation in Hong Kong and in accordance with the principle of gradual and orderly progress.

Other provisions state the constitutional relationship between the SAR and the Central Authorities. Article 12 states that the HKSAR shall be a local administrative region of the PRC, which shall enjoy a high degree of autonomy and come directly under the CPG. Article 43 states that the Chief Executive shall be accountable to the CPG and the HKSAR.

Therefore, in accordance with the Basic Law, the Central Authorities have constitutional responsibility and authority in relation to the development of the political structure within the Hong Kong Special Administrative Region. Earlier on, the Central Government have

expressed to the Chief Executive the wish that the Hong Kong Special Administrative Region Government should thoroughly discuss the issues on principles and legislative process relating to the development within Hong Kong's political structure as enshrined in the Basic Law with the relevant departments of the Central Government before determining the relevant working arrangements.

Taking into consideration our duty to uphold the Basic Law, as well as political reality, we believe that we need to first initiate discussions with the Central Authorities before determining the appropriate arrangements for the constitutional review. At the most basic level, this will avoid the Central Authorities and the Hong Kong community reaching different understandings of those Basic Law provisions regarding constitutional development. Such a scenario could cause serious confrontation between the Hong Kong community and our sovereign government. Obviously, we do not want to precipitate such a situation. Our discussions will also help smooth the way for a future review of constitutional development. Since reunification, the Central Government has been unstinting in its support of Hong Kong people, particularly during difficult times. This has increased Hong Kong people's confidence in the Central Authorities protecting our interests. I believe that Hong Kong people understand that our constitutional development will need to safeguard the 'One Country, Two Systems' and follow the Basic Law requirements.

At this stage, we have identified two categories of issues relating to development within Hong Kong's political structure as enshrined in the Basic Law, which we need to examine and understand :

The first area is the principles relevant to political structure as enshrined in the Basic Law. We need to thoroughly discuss with the relevant departments of the Central Government, and to understand their specific areas of concern, before determining the relevant working arrangements on constitutional review.

The second area involves the legislative process to amend the method for selecting the Chief Executive and the method for forming the Legislative Council as provided for in the Annexes to the Basic Law, and other related legal issues. The Hong Kong Special Administrative Region has never dealt with such legislation. Since such legislation carries constitutional status, we need to consult the relevant departments of the Central Government. We would also welcome views from different sectors of the community in this respect.

The task force will make preparation as soon as possible to start work with the relevant departments of the Central Government. We will request the Hong Kong and Macao Affairs Office of the State Council to arrange meetings with it, the General Office of the Legislative Affairs Commission of the Standing Committee of the National People's Congress, the Legislative Affairs Office of the State Council and other relevant authorities, to discuss the questions that I have just outlined.

At the same time, the participation of all sectors of the community is important. The task force will shortly meet with the Legislative Council, District Councils, the legal sector, academics and other sectors.

We will provide Hong Kong people with a better understanding of the views of the Central Authorities, reflect the community's views to the


Central Authorities, and carry out constitutional review on the basis of a common understanding between the Central Authorities and HKSAR Government regarding the Basic Law.

I know that some in the community will criticise us for not putting forward concrete constitutional development proposals. I hope that all members of the community can understand Hong Kong's constitutional development has in the past only been taken forward in a gradual manner, and only after a community consensus has been reached. This approach is to maintain our stability and prosperity. Constitutional development is not simply about election methods. The form of the political structure will affect the stability and economic development of our society, and will have an impact on the interests of many different sectors. Many countries or regions have experienced different turmoil in the search for democracy. Hong Kong at present has very mature and stable social and economic systems, which provides a great degree of confidence to local and foreign investors. We have to ensure that the constitutional development review proceeds smoothly and does nothing to shake this hard-earned confidence in Hong Kong. Hong Kong's situation is also unique, in that we need to maintain our relationship with the Central Authorities under 'One Country, Two Systems'.

It is therefore imperative that the Hong Kong Special Administrative Region Government adopt a prudent and comprehensive approach in regard to our constitutional development. Throughout the process we will give the public adequate time and space to discuss, so as to make the appropriate arrangements for the work on constitutional development review.

Ends/Wednesday, January 7, 2004

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