

**Extract from draft minutes of meeting of  
Panel on Constitutional affairs on 15 December 2003**

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**III. Items for discussion at the next meeting**

(LC Paper Nos. CB(2)647/03-04(01) and (02))

**Timetable for public consultation and review on constitutional development**

As the Secretary for Constitutional Affairs (SCA) had advised the Panel that the Administration would make a decision on the timetable for public consultation and review on constitutional development before the end of 2003, the Chairman invited SCA to report on the progress.

2. SCA said that it was the Administration's aim to make a decision on the question of the timetable at the end of the year and to commence public consultation in early 2004. The present indication was that the Administration could only come to a decision on the timetable by the end of 2003. In order to tie in with other arrangements, the Administration could only give Members an account in early 2004.

3. In response to the Chairman on whether an announcement would be made on the matter by the Chief Executive when he delivered his 2004 Policy Address at the Council meeting on 7 January 2004, SCA said that the Administration would announce the decision as soon as possible in January 2004.

4. Mr CHEUNG Man-kwong asked whether the delay in making the announcement was due to the recent remarks made by the Central Government and the four Mainland legal experts, and whether any issues raised would require further consideration by the Government. SCA responded that the four legal experts merely reiterated the relevant procedures under the Basic Law and the respective roles of the Central Authorities and the Government of the Hong Kong Special Administrative Region relating to constitutional development. Detailed research into these views, which were not a new area to the Administration, was not required. At the moment, the issues being considered

by the Administration mainly concerned the programme of work in the coming three years, such as the time required for the public consultation exercise, for the mechanisms under the Basic Law to be triggered, and for local legislation to be dealt with.

5. Mr SZETO Wah pointed out that Mr XU Chongde, one of the four Mainland legal experts, had said that if Hong Kong sought to decide on the issue of constitutional development on its own, it would be tantamount to seeking independence. Mr SZETO asked whether Mr XU's view was consistent with the Basic Law. SCA said that according to his understanding, in overall terms the four Mainland legal experts had reiterated the requirements of the relevant provisions of the Basic Law. As stipulated in Annexes I and II of the Basic Law, the Standing Committee of the National People's Congress had a constitutional role if amendments were made to the methods for the selection of the Chief Executive and the formation of the Legislative Council (LegCo) after 2007. Mr SZETO pointed out that SCA's response should only apply to the views expressed by the four Mainland legal experts on the first occasion, but not on the views expressed by Mr XU Chongde on a different occasion, as quoted by him. SCA said that he did not wish to make further comments on the views made by individual legal experts.

6. On behalf of the Democratic Party, Dr YEUNG Sum expressed strong dissatisfaction with the Administration's delay in announcing the timetable. He said that this was a stalling tactic of the Administration. Ms Emily LAU said that SCA, as a principal official, should not easily renege on his promise made to Members that an announcement would be made in December 2003. The Chairman expressed regret about the development and asked whether the scope and mode of public consultation would be included in the announcement to be made by the Administration, given the views recently expressed by different interested parties.

7. In response to members' comments, SCA reiterated his advice made at the meeting earlier on. He added that the Administration would provide information on the scope and mode of consultation when announcing the timetable.

8. Mr SZETO Wah asked SCA whether he should be held accountable for failure to announce the decision in early January 2004. SCA said that as the

principal official responsible for constitutional affairs, he would of course be accountable and he would endeavour to co-ordinate efforts within the Government with a view to expediting matters. Ms Emily LAU proposed that the Chairman should move a motion of censure against the Administration and SCA at a Council meeting if SCA failed to provide information on the timetable for public consultation and review on constitutional development at the Panel's next meeting on 15 January 2004. The Chairman said that a decision, if necessary, could be made at the next meeting.

Meeting on 15 January 2004

9. As the Chief Executive's Policy Address would be held on 7 January 2004, the Chairman informed members that SCA would brief the Panel on the Policy Address on 15 January 2004 from 8:30 am to 9:30 am, which was the slot for the regular meeting of the Panel in January 2004. Members agreed that whether a meeting should be held to make up for the regular meeting of the Panel in January 2004 would be decided at a later stage.

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