

Press Release

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CE's transcript on constitutional development

Following is the translation of the opening remarks made by the Chief Executive, Mr Tung Chee Hwa, at a press conference on constitutional development tonight (March 26):

Ladies and gentlemen, as you all know, the Central Authorities have just announced that the issues of legislative process relating to Hong Kong's constitutional development will be included in the agenda of the next meeting of the Standing Committee of the National People's Congress (NPCSC). The SAR Government was duly notified of this decision by the Central Authorities today.

Earlier on, the Central Authorities have expressed clearly that constitutional development has to do with the full implementation of the "One Country, Two Systems" principle and the Basic Law, the relationship between the Central Authorities and the HKSAR, the interests of various strata and sectors of the community of Hong Kong as well as the long-term prosperity and stability of Hong Kong. The decision of the Central Authorities to put the issue to the highest organ of power of the country for consideration underlines the importance the Central Authorities attach to the constitutional development of Hong Kong.

I fully understand that members of the public may feel surprised when they learn of the NPCSC's decision to contemplate interpretation of the Basic Law. They may be concerned about whether the community can withstand the impact of another interpretation of the Basic Law.

However, one should consider the matter more deeply. Constitutional development is a highly complex and serious issue. Not only does it relate to the fundamental interests of Hong Kong and of the country as a whole, it also relates to the implementation of the Basic Law, in particular how we take forward constitutional development in accordance with the requirements specified in the Basic Law. This goes to show that we must have a proper understanding of the relevant provisions of the Basic Law.

In the past two months, the Constitutional Development Task Force led by the Chief Secretary for Administration has promoted wide discussion among the community on the issue of constitutional development. The community does have a wide range of opinions on the issues of legislative process.

The decision of the NPCSC to exercise its powers under the Chinese Constitution and Article 158 of the Basic Law to give an authoritative

interpretation on the relevant provisions of the Basic Law can remove the doubts of the community on these issues, minimise dispute and provide a better foundation for subsequent discussion on constitutional development. It can also ensure that the specific options and associated legislative work to be dealt with in future are entirely lawful and constitutional, eliminating the possibility of unnecessary challenge in court.

Before its next meeting on April 2, representatives of the NPCSC will, at my request, meet the Task Force led by the Chief Secretary for Administration on March 30. The Task Force will have a formal opportunity to meet with the representatives of the NPCSC to reflect the views of the public on the issues of legislative process collected in the past two months or so, and the position of the SAR Government on these issues.

I understand that the Chief Secretary for Administration and colleagues are compiling a report and the drafting is at an advanced stage. When the report is completed, we will submit it to the Central Authorities through the Hong Kong and Macao Affairs Office as soon as possible. When the Task Force meets with the representatives of the NPCSC on March 30, they will brief the NPCSC representatives on our report. I believe that our report will contribute positively to the discussion of the NPCSC.

The next stage of work of the Task Force is to deal with the issues of principle. As the views of the Hong Kong community on these issues are more divergent, the Task Force will need more time to consolidate the views. I hope that the Task Force can complete this work shortly.

Thank you.

Reporter: Mr Tung, in 1999, when the Standing Committee of the NPC reinterpreted the judgments of the Court of Final Appeal on the right of abode issue, that was perceived as a last resort, that the NPCSC became involved in Hong Kong's legal matters. But this time it seems as though they have come out right at the beginning in a kind of pre-emptive way. Are you afraid that perceptions of Hong Kong's autonomy being guaranteed might be damaged because of this? And are you afraid, perhaps, that the people of Hong Kong will demonstrate in a way that they came out on last July 1st?

Mr Tung: Well, as I've said earlier on, that this is done, indeed, in the interest of Hong Kong. Our constitutional development is the issue between the Central Government and the Hong Kong SAR, and as such, the Central Authorities have a very definitive role to play. As you know, they have the responsibility, as well as the right, to look at this and move forward on this. I think by doing this, they actually will be able to help us move forward in our discussion in the community. (This will give us the) ability to move forward and to avoid endless wrangling and legal wrangling in courts and in the community as a whole, which in fact might stifle us from moving forward in constitutional reform. So I think it is a good step that is being taken.

(Please also refer to the [Chinese](#) portion)

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