

Press Release

 [Email this article](#) | [Government Homepage](#)

CS' statement

Following is a statement by the Chief Secretary for Administration, Mr Donald Tsang, on constitutional development at a press conference this (March 26) evening:

As the Chief Executive indicated just now, the Central Authorities notified the HKSAR Government that the legislative process relating to Hong Kong's constitutional development would be included in the agenda of the coming meeting of the Standing Committee of the National People's Congress (NPCSC) on April 2.

We all know that Hong Kong's constitutional development involves our relationship with the Central People's Government (CPG), and that Hong Kong would not be able to decide on this matter all by herself. Our community should have thorough discussions on the issue, but at the same time we must discuss in conjunction with the Central Authorities and obtain their full consent. I believe that this premise is generally accepted by the Hong Kong community.

The National People's Congress is the highest organ of state power. Its Standing Committee exercises the nation's legislative powers, and is authorized by the Constitution to interpret national laws, including our Basic Law. Currently, Annex I and Annex II to the Basic Law stipulates that NPCSC has the ultimate constitutional responsibility and right to any amendment to the method for selecting the Chief Executive and forming the Legislative Council.

NPCSC's discussion would officially clarify the legislative issues concerning constitutional development in Hong Kong, so that we could get a clear picture of how we are to proceed, in full accordance with the Basic Law, in search of a proposal which would best address Hong Kong's interests.

Some people might ask why the NPCSC takes the initiative to interpret the relevant provisions.

First, I must point out that, according to Article 158(1) of the Basic Law, the power to interpret the Basic Law rests with the NPCSC. This explains the legal basis of NPCSC's initiative.

Besides, constitutional development is a complex matter. Within our community, there are different understandings of the provisions set out by Annex I and Annex II, for instance, whether "subsequent to the year 2007" includes the year 2007. The last thing we would like to see were litigations regarding the legislative process of constitutional development under the Basic Law. We could not afford to have our

citizens face a lengthy period of uncertainty resulting from such litigations.

The CPG have made such arrangements that, before the representatives of NPC discuss the legislative process of our constitutional development, they will listen to the Task Force and its report on the views and suggestions from different organizations and individuals it had met with. I believe that this would enhance the communication between the Central Authorities and HKSAR in respect of issues concerning the legislative process. The Task Force will try its best to reflect faithfully and completely the opinions tendered by organizations and individuals in our society.

As of now, the Task Force's report on legislative process is close to completion. We understand that our citizens are concerned about Hong Kong's constitutional development. The Task Force is obliged and more than happy to explain the work progress on the collection of public opinion, the views of the HKSAR Government, as well as the concerns of the Central Authorities.


A summary report of the Task Force's submission to the CPG would be available to the public at the District Offices after 30 March, that is, after the Task Force meets with representatives of the NPC. The public could also see from our website the submissions from organizations and individuals on the same day. Despite the discrepancies in views among organizations and individuals on the issue of legislative process, the Task Force has adopted an open and objective stance in considering all views.

Other than legislative process, the Task Force will also issue a report on the principles relating to constitutional development as soon as possible. We clearly understand that the principles and the legislative process are the fundamentals of our future proposals. Nearer the time, we would approach the CPG to explain our views on such principles so as to lay the path for our future tasks.

Thank you.

Ends/Friday, March 26, 2004

NNNN

 ([Floor](#) / [Cantonese](#) / [Putonghua](#) / [English](#))

 [Email this article](#)