

Press Release



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CS' statement

Following is a statement by the Chief Secretary for Administration, Mr Donald Tsang, at a press conference releasing the second report of the Constitutional Development Task Force this (April 15) afternoon:

Ladies and gentlemen,

Just now, the Chief Executive indicated that he had received the Second Report of the Task Force, and that he had, in accordance with the Interpretation by the Standing Committee of the National People's Congress ("NPCSC") of Article 7 of Annex I and Article III of Annex II to the Basic Law adopted on April 6, submitted a report to the NPCSC, requesting the NPCSC to determine whether there is a need to amend the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008. I wish to take this opportunity to provide you with a brief account of the content of the Second Report of the Constitutional Development Task Force.

Since its establishment on January 7 this year, the Constitutional Development Task Force has collected, through various channels, the views of different sectors of the Hong Kong community on the issues of principle and legislative process. We have also met with officials of the NPCSC and the Hong Kong and Macau Affairs Office of the State Council in Beijing, Shenzhen and Hong Kong, to discuss issues relating to constitutional development.

The views of the Task Force on the issues relating to legislative process have been set out in detail in its First Report published on March 30. On April 6, the NPCSC reached a decision on the interpretation of Article 7 of Annex I and Article III of Annex II to the Basic Law in accordance with provisions of the Constitution and the Basic Law. The views of the Task Force on the issues relating to legislative process basically tallies with the NPCSC's interpretation. I believe that you have been briefed about the relevant details at different occasions last week and I do not intend to repeat them here.

Since the publication of the First Report, the Task Force has focused on preparing the Second Report, which concerns the issues of principle relating to constitutional development. The Task Force has briefly explained the Report in draft form to the Chief Executive last week. The Second Report was formally submitted to the Chief Executive yesterday.

Members of the public may obtain a copy of the Second Report at the Public Enquiry Service Centres of the 18 District Offices. The public may also browse through the Second Report on the website on constitutional development (www.cab-review.gov.hk). In addition, the submissions by different sectors of the community, and the extracts of records of meetings with organisations and individuals on the issues of principle have been attached to the Report as its Annexes. The Annexes have been posted on the website on

constitutional development. Copies are also available for public inspection at the Public Enquiry Service Centres of the 18 District Offices.

Now, let me briefly explain the content of the Second Report.

There are six chapters in the Second Report. Chapter Four of the Report and the Annexes set out the community views on the issues of principle gathered by the Task Force. These issues of principle could be classified into three broad categories:

(i) the principles relating to the relationship between the Central Authorities and the Hong Kong Special Administrative Region (HKSAR);

(ii) the principles of "actual situation" and "gradual and orderly progress" that must be followed in pursuing constitutional development in the HKSAR; and

(iii) the principles of "meeting the interests of different sectors of society" and of "facilitating the development of the capitalist economy" as referred to by Director Ji Pengfei in 1990.

There are divergent views in the community on the issues of principles relating to constitutional development. Chapter Four of the Report briefly sets out the various public views gathered by the Task Force. In conclusion:

* Regarding the principles relating to the relationship between the Central Authorities and the HKSAR, that is the first three of the seven issues of principle, there are not many dissenting views. The majority of views are that constitutional development should be pursued in accordance with the provisions of the Basic Law.

* There are more divergent views on how "actual situation" and "gradual and orderly progress" should be understood, and such differences are quite significant.

* There are also differing views in the community on "meeting the interests of different sectors of society" and "facilitating the development of the capitalist economy". Discussions were mainly about maintaining functional constituencies as opposed to electing all members of the Legislative Council by universal suffrage. There are also views on the relationship between universal suffrage and welfarism.

The brief introduction in Chapter Four is included for easy reference only. A full set of written submissions received by the Task Force has been included in the Annexes. I suggest that you go through the relevant Annexes in detail, so as to better understand the different views of the community on the issues of principles.

Chapter Five of the Second Report sets out the views of the Task Force on the issues of principle. Having regard to the differing views of the community, the Task Force has drawn its conclusion on the issues. The Task Force is of the view that, in considering how the methods for selecting the Chief Executive and for forming the Legislative Council should be amended, we must have regard to the following factors:

(i) the establishment of the HKSAR and its systems have been determined by the Central Authorities in accordance with the Constitution and through the Basic Law. The HKSAR cannot unilaterally change the systems prescribed by the Central Authorities. The HKSAR, in examining the direction and pace of its constitutional development, must pay heed to the views of the Central Authorities, and must also confirm with the NPCSC first as to the need for change. In any case, according to the Basic Law, any amendments can only be made with the endorsement of a two-thirds majority of all the members of the Legislative Council and the consent of the Chief Executive, and they shall be reported to the NPCSC for approval or for the record;

(ii) any proposed amendments must comply with the provisions of the Basic Law. Amendments to the design and principle of the political structure prescribed in the Basic Law must not be lightly contemplated;

(iii) the appointment of the Chief Executive by the Central Authorities is substantive; no proposed amendments shall affect this substantive power of appointment by the Central Authorities;

(iv) any proposed amendments must aim at consolidating the executive-led system headed by the Chief Executive and must not deviate from this principle of design; they should aim at perfecting the executive-led system, and should not lead to a deterioration of the coordination problem of the current relationship between the executive authorities and the legislature;

(v) development towards the ultimate aim of universal suffrage must progress in a gradual and orderly manner step by step. The pace should not be too fast. The progress should accord with the actual situation in the HKSAR, in order to preserve its prosperity and stability;

(vi) when considering the actual situation, public opinion, as well as other factors, including the legal status of the HKSAR, the present stage of constitutional development, economic development, social conditions, the understanding on the part of the public of "One Country, Two Systems" and the Basic Law, public awareness on political participation, the maturity of political talent and political groups, as well as the relationship between the executive authorities and the legislature, must be taken into account;

(vii) any proposed amendments must enable different sectors of society to be represented in the political structure, and to participate in politics through various channels;

(viii) any proposed amendments should ensure that consideration would continue to be given to the interests of different sectors of society; and

(ix) any proposed amendments must not bring about any adverse effect on the systems of economy, monetary affairs, public finance and others as prescribed in the Basic Law.

Chapter Three of the Second Report sets out in detail the Task Force's understanding of the constitutional basis of constitutional development and the actual situation at present. The Report lists those

factors which should, in the opinion of the Task Force, be examined when making any assessment of the actual situation of the HKSAR, and the relevant observations made by the Task Force. I should however emphasise that it is no easy task to have an accurate assessment of the actual situation. The Task Force would proceed cautiously, and make a fair judgment.

The Task Force has completed its study on the issues of principle and legislative process relating to constitutional development. We believe that it is now time for us to consider the way forward. In this respect, the last chapter of the Report sets out the conclusion of the Task Force.

The Task Force recommends that, on the basis of the content, views and conclusions of the First and Second Report of the Task Force, the Chief Executive should, in accordance with the interpretation of the Basic Law made by the NPCSC and promulgated on April 6, submit a report to the NPCSC. Such a report should recommend that the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008 be amended, and should request that the NPCSC make a determination to that effect in accordance with the relevant provisions and principles in the Basic Law. The Task Force is pleased to note that the Chief Executive has accepted this recommendation.

If and when the NPCSC determines that there is a need for amendment, the Task Force will examine how to amend the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008, and commence public consultation in this respect.

Lastly, I wish to reiterate that, if any proposed amendments for constitutional development are to be successfully implemented, they must be made with the endorsement of a two-thirds majority of all the members of the Legislative Council and the consent of the Chief Executive, and they shall be reported to the NPCSC for approval or for the record. None of these steps is dispensable. All these elements are essential. For the process to bear fruit, we must understand this political reality, and we must try to appreciate and consider each other's position. Constitutional development has a long-term impact. In addressing this important issue, we must continue to adopt a receptive attitude and seek to act in the common interests of the community.

Thank you.

Ends/Thursday, April 15, 2004

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