



CS' statement

Following is a statement by the Chief Secretary for Administration, Mr Donald Tsang, on constitutional development at a press conference this (April 6) evening:

Just now, the Chief Executive has explained to you in detail the interpretation by the Standing Committee of the National People's Congress of Article 7 of Annex I and Article 3 of Annex II to the Basic Law. I would like to speak on the follow up actions by the Constitutional Development Task Force.

The Standing Committee of the National People's Congress has pointed out that the reference to "subsequent to the year 2007" in the two Annexes to the Basic Law should include the year 2007. The methods for the selection of the Chief Executive and for the formation of the Legislative Council could either be amended or not be amended. If the methods of selection or formation were not amended, the current methods should continue to be adopted. This ensures that no legal vacuum would arise in case no consensus on constitutional development could be reached in Hong Kong. It also provides the statutory basis and room for us to continue to explore the development of the methods of selection or formation for the years 2007-08.

The Standing Committee of the National People's Congress has also defined who has the power to determine whether there is a need to amend the methods of selection or formation. However, this does not mean that the people of Hong Kong cannot participate in the discussion on constitutional development, or that the Central People's Government (CPG) does not place importance on the opinions of the Hong Kong Special Administrative Region (HKSAR). The CPG has stated clearly that should the Chief Executive submit to the Standing Committee of the National People's Congress a report stating that there does exist a need to amend the methods of selection or formation, the latter would then determine such need in accordance with the principle of gradual and orderly progress and in the light of the actual situation in Hong Kong as stipulated in the Basic Law. That is to say the initiative remains with the HKSAR. What we need to do

is to discuss matters in a rational and peaceful fashion and to reach a consensus. That would enable us to take matters forward on constitutional development in Hong Kong.

The immediate job of the Task Force is to complete the report on issues of principle in the Basic Law relating to constitutional development in Hong Kong as soon as possible. The report will reflect honestly and comprehensively the views of various sectors in Hong Kong on these issues. The report will also reflect the position of the HKSAR Government on these issues. That should assist the Chief Executive and the CPG in considering the need to amend the methods for the selection of the Chief Executive in 2007 and for the formation of the Legislative Council in 2008.

The Task Force plans to submit the report on issues of principle to the Chief Executive by mid-April. Once approved by the Chief Executive, the report would be submitted to the Central Authorities. The Standing Committee of the National People's Congress would then make a decision based on the principle of gradual and orderly progress and in the light of the actual situation of Hong Kong in accordance with the Basic Law. With the decision, the Task Force would then initiate discussions on the specific proposals for constitutional development. In the days to come, the Task Force will continue to listen to a wide range of views and to maintain communication with the Legislative Council. The Task Force will continue to operate in a transparent and even handed way.

I have pointed out many times that constitutional development in Hong Kong must comply with the provisions of legislative process and principle in the Basic Law. Otherwise, the result might be unconstitutional and in violation with the Basic Law. We have already resolved the issues of legislative process. What we need to focus on from now on are the issues of principle, as well as discussions within Hong Kong and discussion between HKSAR and the Central Authorities.

In order to make progress and bear fruit in our constitutional development, I believe that we must all respect and accommodate different views, either in the discussion within Hong Kong or with the Central Authorities. The most effective way to build a consensus has always been discussion instead of confrontation. The Basic Law has provided that the ultimate aim is to achieve universal suffrage in Hong Kong. What we need to do now is to set the pace which is most suitable for us.

Ends/Tuesday, April 06, 2004

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- [CS' transcript \(06.04.2004\)](#)

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