

Legislative Council Panel on Constitutional Affairs

Review and Public Consultation on Constitutional Development after 2007

This paper outlines the overall timeframe and the basic attitude of the Government for handling the work relating to constitutional development after 2007.

Provisions of the Basic Law

2. According to the Basic Law, if there is a need to amend the methods for selecting the Chief Executive (CE) and for forming the Legislative Council (LegCo) after 2007, such amendments must be made with the endorsement of a two-thirds majority of all the LegCo Members and the consent of the CE. Amendments to the method for selecting the CE shall be reported to the Standing Committee of the National People's Congress (Standing Committee) for approval, while those to the method for forming the LegCo shall be reported to the Standing Committee for the record. Moreover, the Basic Law stipulates that these methods shall be specified in the light of the actual situation in Hong Kong and in accordance with the principle of gradual and orderly progress, with universal suffrage as the ultimate aim. The CE has pointed out earlier that the people of Hong Kong expect the HKSAR Government to promote democratic advancement according to the Basic Law, and that it is the clear duty of the current Administration to pursue this.

Government's Basic Attitude

3. The Government's basic attitude for handling the constitutional development review will be as follows.

- (a) Constitutional development is a matter of concern to the whole community. It will affect the long-term development of Hong Kong. Thus, we will consult widely during the

public consultation process before putting forward the final package of proposals for the LegCo's consideration.

- (b) As stipulated in the Basic Law, if there is a need to amend the methods for selecting the Chief Executive and for forming the LegCo after 2007, such amendments must be made with the endorsement of a two-thirds majority of all LegCo Members. Therefore, in handling the issue of constitutional development, the Government will communicate closely with different political parties and LegCo Members in the hope that all parties concerned will participate actively in the constitutional review and seek to "widen the common ground, narrow the differences and build a consensus".
- (c) In dealing with the subject of constitutional development, the Government will act according to the overall interest of the community. During the consultation and review process, we will adopt an open and receptive attitude, in order to maximize the chances of obtaining the support and securing consensus among two-thirds of LegCo Members.

Overall Timeframe

4. There are more than three years between now and 2006/07 for us to conduct the review on constitutional development after 2007 and to make the necessary arrangements. The CE has indicated that public consultation on constitutional development will commence in 2004. We also envisage that we will, as necessary, deal with the procedures stipulated in the relevant Annex of the Basic Law in 2005. We also expect that we will, as necessary, enact any local legislation in 2006. The Government will make a decision before the end of 2003 on the timetable for the review and public consultation on constitutional development. We will report to the LegCo and the public once the decision is taken. We will make full use of the coming three years or so to consult the public widely and to deal with the relevant legal procedures.

5. In the meantime, we are continuing with preparatory work in relation to post-2007 constitutional development issues. This covers two areas. First, through various channels we have been taking the initiative to meet organizations with different backgrounds and to listen to their views on constitutional development. Secondly, we will continue with our internal research on relevant issues. These internal studies enable us to better grasp and understand various issues to be included in the review and to prepare for the public consultation to commence in 2004.

Constitutional Affairs Bureau
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