

Legislative Council Panel on Constitutional Affairs

2005 Policy Agenda

Introduction

This paper briefs Members on the initiatives of the Constitutional Affairs Bureau (CAB) set out in the 2005 Policy Agenda.

CAB's Initiatives in Policy Agenda

2. In the 2005 Policy Agenda, we have proposed to promote effective governance through the following four initiatives:

- (a) continuing to take forward constitutional development after 2007 and collating views from the community on how the methods for the selection of the Chief Executive in 2007 and for forming the Legislative Council in 2008 may be changed in accordance with the Basic Law and the Decision of the Standing Committee of the National People's Congress of 26 April 2004. The Constitutional Development Task Force will continue to consult the public and hopes that around mid-2005 a consensus will emerge from among the community to enable legislative work to proceed thereafter;
- (b) making suitable preparations for the review on the roles, functions and composition of District Councils, taking into account the experience of the operation of the second term District Councils. We will consult the public in the review process;
- (c) continuing to facilitate the implementation of 'One Country, Two Systems' and to demonstrate its success, and to facilitate the promotion of public awareness and understanding of the Basic Law;
- (d) participating actively in Pan-Pearl River Delta (PPRD) regional co-operation to implement the PPRD Regional Co-operation Framework Agreement signed in June 2004

with the governments of the various provinces and regions in the PPRD region.

Details of the above initiatives are set out in the following paragraphs.

Methods for Selection of Chief Executive in 2007 and Formation of Legislative Council in 2008

3. The Constitutional Development Task Force (the Task Force) published its Fourth Report (the Report) on 15 December 2004. The Report gave an account of the more frequently expressed views received by the Task Force during the consultation for the Third Report on how the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008 may be amended. On the basis of these views, the Report raised some follow-up questions to facilitate more focused discussion by the community. The consultation period for the Report will last until 31 March 2005.

4. The Task Force will continue to collect views from the community openly, widely and extensively through various channels. The public can put forth their views to the Task Force by post, facsimile, e-mail or through the constitutional development website. The Task Force will also listen to public views direct at open forums. In addition, it will organise a number of regional seminars with a view to facilitating focused and in-depth discussion among individuals and organisations from various sectors of the community on the issues set out in the Fourth Report. The Secretary for Constitutional Affairs will be attending District Council meetings over the next two months or so to listen to views of District Council members. The Task Force will also communicate with political parties, major business organisations and trade unions, academics and Legislative Council Members to canvass their opinions. Further, we will consider using other different means at different stages to gauge public opinions.

5. The Task Force hopes that a consensus will emerge from the community, by around the middle of this year, on changes to the two electoral methods. It will then issue a Fifth Report and put forward a mainstream proposal, and will strive to gain the support of the Legislative Council and the public.

6. As mentioned in an earlier paper submitted to this Panel, if a consensus on changes to the two electoral methods is reached by the

relevant parties by the middle of this year, we hope to commence the legislative process relating to amending Annexes I and II to the Basic Law in the second half of 2005. Thereafter, we hope that a Chief Executive Election (Amendment) Bill can be introduced into the Legislative Council in the first half of 2006, so that the electoral arrangements for the Election Committee subsector elections can be put in place, and the formation of the Election Committee implemented, in the second half of 2006. The nomination and election process for the third term Chief Executive will be completed in the first quarter of 2007. We hope that local legislation on forming the fourth term Legislative Council in 2008 can be introduced in 2007.

Review of Roles, Functions and Composition of DCs

7. We expect that the review of the roles, functions and composition of District Councils will commence before the end of this year. CAB and the Home Affairs Department have set up a working group to make preparations for the review. In conducting the review, we will have regard to the relevant legal provisions, the original rationale for introducing the district administration scheme, the recommendations put forth by the Government in the Report of the Working Group on District Councils Review published in 2001, and the experience of the operation of the second term District Councils. We will also issue a consultation document to facilitate discussion and to seek views from different sectors of the community.

Implementation of One Country, Two Systems, and Promotion of Basic Law

8. We will continue to assist bureaux and departments to establish channels of communication and to develop an effective working relationship with the relevant Mainland authorities, as well as with the Government of the Macao Special Administrative Region. We will further promote better understanding between the HKSAR Government and the Mainland authorities, as well as Macao's, through visits and other contacts.

9. CAB also provides support for the Hong Kong/Guangdong Cooperation Joint Conference, the Hong Kong/Shanghai Economic and Trade Cooperation Conference, and the Hong Kong/Beijing Economic and Trade Cooperation Conference. We will continue to liaise with the Guangdong Provincial People's Government, the Shanghai Municipal

People's Government, as well as the Beijing Municipal People's Government to strengthen cooperation.

10. In accordance with the Qian's Seven Principles, we will continue to enhance economic and cultural exchanges between Hong Kong and Taiwan. We will continue to introduce to Taiwan visitors the successful implementation of the 'One Country, Two Systems' principle through briefings on the latest developments in Hong Kong. During 2003 and 2004, we have arranged visit programmes and briefings for Taiwan visitors from the business, media, academic, professional and public service sectors. We shall continue to do so in the year ahead.

11. To facilitate the conduct of HKSAR's external affairs, CAB will continue to act as a focal point of contact between the HKSAR Government and the Office of the Commissioner of the Ministry of Foreign Affairs. We will also continue to advise bureaux and departments on the conduct of the HKSAR's external affairs in accordance with the relevant provisions of the Basic Law and the 'One Country, Two Systems' principle.

12. We will continue our work in promoting the Basic Law, with a view to enhancing public understanding of the 'One Country, Two Systems' principle and the Basic Law.

Pan-Pearl River Delta Regional Cooperation

13. In early June 2004, the first 'Pan-Pearl River Delta Regional Cooperation and Development Forum' was held and the governments of the nine Mainland provinces and region in the PPRD region and the two SARs (the "9+2" governments) signed a 'PPRD Regional Cooperation Framework Agreement'. CAB coordinates the HKSAR Government's efforts in participating in the relevant areas of cooperation. We will continue to liaise with our counterparts to facilitate closer cooperation between the HKSAR and the respective provinces and regions. The HKSAR Government will continue to play an active role in PPRD cooperation and work closely with our partners to implement the cooperation initiatives covered in the Framework Agreement, and also to identify new areas of cooperation.

14. We have launched a visit programme to the PPRD region. This programme enables us to gain a broader understanding of the development and policies of the respective provinces and regions. The

first visit of the series was held last month and the 14-member delegation with representatives from 10 different government bureaux/departments paid a three-day visit to Hainan Province. The next visit to other provinces in the PPRD region will take place later this month.

2004 Legislative Council Election

15. In addition to the above four initiatives, we will follow up on the 2004 Legislative Council (LegCo) election. The Interim and Final Reports on the 2004 LegCo election published by the Electoral Affairs Commission affirm that the electoral process was conducted in an open, fair and honest manner. The problems which occurred on polling day had not affected the integrity of the election.

16. The findings of the reports also reveal that there is room for improvement in the planning and conduct of election. In view of this, the Chief Executive has appointed a non-statutory Independent Committee of Experts to review the management, planning and conduct of elections, and to make recommendations on improvement measures. The Committee has commenced operation in early January. The Committee will invite views and comments from parties concerned. During the review, CAB and other relevant departments/organisations will provide necessary input to facilitate the work of the Committee. It is expected that the Committee will take about three months to complete its work and compile a report to the Chief Executive. The report of the Committee will be made public.

Conclusion

17. Members are invited to note the content of this paper.

Constitutional Affairs Bureau
January 2005