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2009/11/30 PM 01:55

To ftsang@legco.gov.hk

cc

Subject Re: my submission regarding constitutional reform

Legislative Council
Hong Kong

Re: Constitutional Reform

Dear Sir/Madam,

I am writing to express my views regarding constitutional reform in Hong Kong. Given that there are many other people who are also expressing their own views, I will try to be brief. First of all, I am highly skeptical of this so-called "consultation process." I don't believe for one minute that my views will be taken into account in this process. I have responded to similar consultations before and it seems that my views are not taken into account on any level. No one ever responded to me. With that said, I wish to make my comments here because not doing so will surely be taken by the government taking silence as assent.

My views are simply this: Any degree of political legitimacy requires the consent of the people. The Hong Kong government is not therefore legitimate insofar as it is not based on popular consent. Furthermore, this system (largely based as it is on a collaboration of business interests represented by their own private functional seats) is not working. The government cannot claim that it has any kind of popular mandate to govern. It has for the past 12 years staggered from crisis to crisis. Because the government of the day lacks a popular mandate, they cannot govern effectively. Instead, the government seeks to justify its actions by what are known as "consultation exercises" (like this one) in which there is a pretense of allowing people to express their opinions on a particular issue. Then, following this, the government goes and does as it set out to in the first place. In addition, it is a sad fact that the rule of law has steadily been eroded by the regular interference on the part of the Standing Committee of the National Peoples Congress who have reinterpreted Hong Kong's Basic Law when they deem necessary.

Therefore, what is needed in order to remedy this situation of ineffective and unrepresentative governance is for the functional seats to be dissolved, and replaced with geographical ones. Second, the Chief Executive should stand down and there should be popular elections held in which all parties or any Hong Kong permanent resident can take part. The elections for both, Legco and the Chief Executive should be based on universal suffrage. I think that if these reforms are implemented, Hong Kong would be on a path of not only a form of governance that possesses not only legitimacy but also (and unlike the present condition) has the quality of being self-correcting.

Finally, I note that Mainland Hong Kong Affairs official Li Gang, recently told Hong Kong people "not to fight for democracy" but to "find out what the majority of the people want." I agree with him about the second part of his advice. But wouldn't this best be effected through the mechanism of democracy? I fear however that what Li Gang has in mind is exactly what this "consultation" process is all about- namely, the government telling the people what it is that they really think.

Sincerely,

Jim Rice