

(English translation prepared by the
Legislative Council Secretariat
for Members' reference only)

(A letter from a Hong Kong resident to the Legislative Council Panel on
Constitutional Affairs, Hong Kong Special Administrative Region)

February 1999

Dear Sirs,

I learn from the newspaper that the Legislative Council (LegCo) is soliciting public views on Article 159 of the Basic Law. As a Hong Kong resident, I would like to give my views on the matter as follows.

Many people think that it is not easy to amend the Basic Law but my view is that it may be very difficult to preserve the Basic Law (especially after three or four decades when all the people have been changed).

Noting that the Basic Law can be amended with the consent of two-thirds of the local deputies to the National People's Congress (NPC), two-thirds of all the LegCo Members and the Chief Executive (CE), one can imagine how easy it is to amend the Basic Law. If, say after 30 or 40 years, the local deputies to the NPC have all been replaced whereas the number of directly elected seats in the LegCo remain unchanged and a "yes-man" has become the CE, the provisions of the Basic Law which were originally drawn up in the interests of Hong Kong people may be amended and may turn out to be "neither fish nor fowl"!

Therefore, I think the following steps should be taken to preserve the essence of the Basic Law:

1. proposals for amendment to the Basic Law should be drafted by the LegCo in full consultation with the public;
2. the amendment proposals should be debated in the LegCo and passed by two-thirds of the LegCo Members after going through three readings;
3. LegCo should be fully returned by direct election to ensure its representativeness and credibility;

4. the amendment proposals, subsequent to their passage in the LegCo, should be forwarded to the local deputies to the NPC for them to consider if the proposals contravene the Constitution of China, and the proposals should be endorsed by two-thirds of the local deputies to the NPC; and
5. the amendment proposals should obtain CE's approval and subsequently be submitted to the NPC for scrutiny.

If we want the Basic Law to be amended for the better and not in such a way which smacks more of "Chinese characteristics" (as we have to know that being a melting pot of the Chinese and the Western cultures is the only advantage Hong Kong is left with), it is high time that a fully directly elected LegCo should be put in place.

Finally, it is my hope that "one country two systems" will be implemented in a truly practical and thorough manner.

願民安*

(* The name of the sender literally means that may the people be blessed with peace and contentment.)