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Panel on Constitutional Affairs

**Minutes of special meeting
held on Tuesday, 4 May 2004 at 4:30 pm
in the Chamber of the Legislative Council Building**

**Members
present**

: Hon Andrew WONG Wang-fat, JP (Chairman)
Hon Emily LAU Wai-hing, JP (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Dr Hon David CHU Yu-lin, JP
Hon Cyd HO Sau-lan
Hon Albert HO Chun-yan
Hon Martin LEE Chu-ming, SC, JP
Dr Hon LUI Ming-wah, JP
Hon NG Leung-sing, JP
Hon Margaret NG
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan
Hon Howard YOUNG, SBS, JP
Dr Hon YEUNG Sum
Hon YEUNG Yiu-chung, BBS
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo
Hon SZETO Wah
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Hon LEUNG Fu-wah, MH, JP
Hon IP Kwok-him, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon MA Fung-kwok, JP

Member attending	: Hon LEE Cheuk-yan
Members absent	: Hon Fred LI Wah-ming, JP Hon HUI Cheung-ching, JP Hon Bernard CHAN, JP Hon LAU Wong-fat, GBS, JP Hon SIN Chung-kai Hon Jasper TSANG Yok-sing, GBS, JP Dr Hon LAW Chi-kwong, JP Hon WONG Sing-chi Hon LAU Ping-cheung
Public officers attending	: <u>The Administration</u> Mr Donald TSANG Yam-kuen Chief Secretary for Administration Ms Elsie LEUNG Oi-sie Secretary for Justice Mr Stephen LAM Sui-lung Secretary for Constitutional Affairs Mr Clement MAK Ching-hung Permanent Secretary for Constitutional Affairs Mr Joseph LAI Yee-tak Deputy Secretary for Constitutional Affairs Mr Raymond TAM Principal Assistant Secretary for Constitutional Affairs Ms Julina CHAN Principal Assistant Secretary for Constitutional Affairs
Clerk in attendance	: Mrs Percy MA Chief Council Secretary (2)3
Staff in attendance	: Mr Arthur CHEUNG Senior Assistant Legal Adviser 2

Mr Paul WOO
Senior Council Secretary (2)3

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I. Review on constitutional development after 2007

(LC Paper Nos. CB(2)2174/03-04(01), 2172/03-04(01) - (03), 2195/03-04(01) - (03) and 2212/03-04(01))

Briefing by the Chief Secretary for Administration (CS)

CS briefed the Panel on -

- (a) the decision of the Standing Committee of the National People's Congress promulgated on 26 April 2004 (the NPCSC Decision); and
 - (b) the Chief Executive (CE)'s report on whether there was a need to amend the methods for selecting the CE of the Hong Kong Special Administrative Region (HKSAR) in 2007 and for forming the Legislative Council (LegCo) of the HKSAR in 2008 (the CE Report).
2. The NPCSC Decision was summarized as follows -
- (a) the election of the third term CE to be held in 2007 and the election of LegCo in the fourth term in 2008 (the two elections) should not be by means of universal suffrage;
 - (b) the 50/50 ratio for Members of LegCo returned by functional constituencies (FCs) and Members returned by geographical constituencies (GCs) through direct elections should remain unchanged for the fourth term LegCo;
 - (c) the procedures for voting on bills and motions in LegCo should remain unchanged; and
 - (d) subject to the above not being contravened, the methods for selecting CE in 2007 and for forming LegCo in 2008 (the "electoral methods") could be appropriately amended, consistent with Articles 45 and 68 of the Basic Law and the provisions of Article 7 of Annex I and Article III of Annex II to the Basic Law.
3. CS said that as the NPCSC Decision had initiated formally the amendment mechanism provided for in Annexes I and II to the Basic Law in relation to the "electoral methods", the Constitutional Development Task Force (the Task Force) would embark on the next stage of work as soon as possible. The Task Force would

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seek to release its Third Report within May 2004 to set out the areas which might be amended, and would commence wide consultations with various sectors of the community in formulating specific proposals in the coming months.

The NPCSC Decision

4. Mr CHEUNG Man-kwong said that in conducting public consultations on the issues of legislative process and principle relating to constitutional development, the Task Force had advised that specific options for amending the "electoral methods" would be dealt with at a later stage. On 16 April 2004, i.e. 10 days before the NPCSC Decision was made, CS had stated in public that the possibility of universal suffrage for the two elections was still open, and the issue would become the subject of public consultation to be conducted at a later stage. However, the NPCSC Decision promulgated on 26 April 2004 had ruled out universal suffrage for the two elections in 2007 and 2008. CS had now advised the public that the Government welcomed the NPCSC Decision and requested the public to face the Decision calmly, rationally and with a pragmatic attitude. He opined that the Task Force had "sold out" the people of Hong Kong, if it had prior knowledge that the NPCSC would rule out universal suffrage and yet barred the people of Hong Kong from discussing the matter before NPCSC made its decision.

5. CS said that he could understand that some Members were disappointed about not having universal suffrage for the two elections in 2007 and 2008. He explained that in preparing its first two Reports, the Task Force had consulted the relevant departments of the Central Authorities, and gathered views of the public on the relevant issues. The views put forward to the Task Force by different sectors of the community of Hong Kong had been fully reflected to the Central Authorities. The views of the community, the Second Report of the Task Force and the CE Report had been instrumental to the deliberation of NPCSC on whether the "electoral methods" should be amended. CS added that there was a divergence of views within the community on whether universal suffrage for the two elections should be implemented in 2007 and 2008. The Central Authorities had reservations about implementing universal suffrage for the two elections in 2007 and 2008 in the light of the actual situation in the HKSAR.

6. Mr CHEUNG Man-kwong said that the nine factors proposed in the Task Force's Second Report for determining the "electoral methods" had become the basis for the NPCSC Decision to rule out universal suffrage for the two elections in 2007 and 2008. Mr LEE Cheuk-yan and Ms Emily LAU said that the nine factors did not represent the consensus view of the community. Ms LAU considered that they only reflected the minority views of those with vested interests. Mr LEE asked whether the nine factors had been discussed with the Central Authorities before CE submitted his report to NPCSC.

7. CS replied that the nine factors were proposed by the Task Force after taking into consideration the views of different sectors of the community as well as the views of the Central Authorities. According to Annexes I and II to the Basic Law, any

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amendments to the "electoral methods" could only be implemented with the consensus of the three parties, i.e. a two-thirds majority of LegCo Members, CE, and NPCSC. The Task Force was of the view that the nine factors should be taken into account in determining how the "electoral methods" should be amended. A proposal which was closer to the nine factors would stand a better chance of achieving consensus among the three parties.

8. Dr YEUNG Sum said that the NPCSC Decision to rule out universal suffrage in 2007 and 2008 was made before the release of the Task Force's Third Report and before the people of Hong Kong had a chance to discuss specific options for constitutional development. The Decision was a violation of the principles of "One Country, Two Systems" and "a high degree of autonomy", as well as Annexes I and II to the Basic Law, which set out the proper procedure for amending the "electoral methods".

9. CS said that it was evident that the principles of "One Country, Two Systems" and "a high degree of autonomy" had been successfully implemented in the HKSAR. CS explained that the People's Republic of China (PRC) was a unitary state. The establishment of the HKSAR, including the design of its political structure, was determined by the Central Authorities in accordance with the Constitution and through the Basic Law. The Central Authorities had constitutional powers and responsibilities to oversee and determine constitutional development in the HKSAR. The development of the political system was not within the scope of a high degree of autonomy of the HKSAR. Hence, it was inappropriate to relate constitutional development to the high degree of autonomy of HKSAR.

10. The Chairman considered what CS had said about the relationship between PRC being a unitary state and autonomy of HKSAR in constitutional development was rather contrived. He pointed out that autonomy could be permitted under a unitary system of government. For example, the former Urban Council, being the regional council, was authorized to make by-laws for the fulfillment of its statutory functions, and LegCo, being the legislative organ of the central government of Hong Kong, normally respected and would not interfere with such law-making power. As far as constitutional development of HKSAR was concerned, the Chairman said that if express provisions on the procedure for initiating amendments to the "electoral methods" had been provided in the Basic Law, such provisions should be adhered to. In fact, this requirement in the Basic Law had been reflected in the First Report of the Task Force which concluded that any proposed amendments to the "electoral methods" should be introduced by the HKSAR Government. The Chairman further said the prior consultation with the Central Authorities by HKSAR on any proposed amendments to the "electoral methods", if considered necessary for political reasons, should only be regarded as an administrative arrangement. The Chairman also said that he could not agree with comments that if Hong Kong had autonomy in constitutional development, it would then become an independent or semi-independent political entity.

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11. Mr CHEUNG Man-kwong and Mr LEE Cheuk-yan questioned what room was left for the community of Hong Kong to take forward constitutional development. They said that with the NPCSC Decision ruling out universal suffrage in 2007 and 2008, the room or space for further democratic development, if any, was only "space in a bird-cage" or "space in a coffin".

12. Mr Albert HO doubted what constructive role the Task Force could play in a situation where the Central Authorities had absolute power to veto any proposals, disregarding the views of the people of Hong Kong. He asked whether the Task Force had prior knowledge of, or had foreseen, the results as set out in the NPCSC Decision. He also asked what the Task Force had done for the people of Hong Kong in pursuing constitutional development.

13. CS replied that it was impossible for him to have anticipated or known what would happen in future. Constitutional development was a very complicated issue as different sectors had different views on how the political system should be changed in the overall and long term interests of the HKSAR. The Task Force had no pre-determined stance on how constitutional development should proceed. Since January 2004, the Task Force had intensive and interactive discussions with the community and the Central Authorities, and the process was open, transparent and a matter for the public record.

14. CS further said that he understood that some people were disheartened by the NPCSC Decision. CS explained that while there was a lack of consensus in the community as to whether CE and LegCo Members should be elected by universal suffrage in 2007 and 2008 respectively, the broad consensus was that the two "electoral methods" should be amended. The NPCSC Decision should not be looked at in a negative light, as it had removed the uncertainties over the scope for amendments. The community now had a golden opportunity to achieve common ground and broad consensus by engaging in rational and pragmatic discussions. CS added that in any case, the ultimate aim of selecting CE and electing all LegCo Members by universal suffrage as stipulated in the Basic Law would remain unchanged.

15. Miss Margaret NG said that the sad situation now facing the people of Hong Kong was a complete lack of trust between the Central Authorities and HKSAR. As a result, the public's aspirations for democratic development was neglected, and universal suffrage in 2007 and 2008 was ruled out before the people of Hong Kong had been consulted. The public had the feeling that the Basic Law could not be relied upon, and they had also lost confidence in the Task Force in what it could achieve for promoting constitutional development in Hong Kong. Miss NG opined that without the means to restore mutual trust, further consultation on political reform would be meaningless. She asked whether the mass procession on 1 July 2003 where hundreds of thousands of people took to the streets in protest of the poor governance of the HKSAR Government was a cause for the distrust of the Central Authorities.

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16. CS said that the HKSAR Government respected the freedom and right of the public to express their opinions through lawful means including mass rallies. The political reality was that any proposed amendments to the "electoral methods" could only materialize with the support of the three parties. Hence, it was necessary to establish mutual trust with the Central Authorities so that common ground could be reached on democratic development of Hong Kong. To facilitate this, various sectors of the community should face the NPCSC Decision rationally and with a pragmatic and forward-looking attitude. CS further said that there was consensus that the "electoral methods" should be amended. Following the publication of the Task Force's Third Report, individuals and organizations of different backgrounds should commence dialogue on the basis of mutual trust and respect, and not waste time on confrontations or arguments which were not in the common interests of the community.

17. The Chairman said that where there were confrontations and deadlocks, it would serve no useful purpose to put the blame on the other side. He agreed that it was necessary to take constructive steps to re-establish mutual trust and for all parties concerned to get down to frank and rational discussions.

18. Ms Audrey EU referred to paragraph 3.27 of the Task Force's Second Report, which stated that "...the executive authorities and the legislature often are able to "regulate" (i.e. to act as a mutual check) but are not able to "co-ordinate" (i.e. to fully complement) each other. Furthermore, under the present system, the Chief Executive does not have established support in the Legislative Council. This has had an adverse effect on the executive-led system and administrative efficiency." She expressed worry that the NPCSC Decision would further aggravate the executive/legislature relationship and result in endless confrontations and arguments.

19. Ms Audrey EU further said that the selection of CE by an Election Committee (EC) composing of merely 800 members, which lacked a public mandate, accounted for the poor degree of public acceptance of CE as shown in a number of opinion polls conducted. In her view, election of CE by universal suffrage would help improve governance and the executive/legislature relationship. The people of Hong Kong were rational and mature enough to be capable of making the best out of universal suffrage. Ms EU considered that the HKSAR Government should strive to reach a consensus with the Central Authorities on a timetable and objective criteria for introducing universal suffrage in Hong Kong.

20. CS said that improvement of the executive/legislature relationship was an important issue which needed to be dealt with. However, the problem was a deep-rooted one and could not be solved overnight. The solution did not lie in changing the method of electing CE alone and at once. He pointed out that in democratic countries which had implemented universal suffrage, e.g. the United States, the United Kingdom and South Korea, confrontations and collisions between the executive authorities and the legislature still persisted.

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21. CS further said that the first two reports of the Task Force on issues of legislative process and principle did not address the question of setting a timetable for implementing universal suffrage. Nevertheless, views gathered from the community on the pace and direction of constitutional development had been reflected to the Central Authorities.

22. Ms Audrey EU said that constitutional development had been progressing with a gradual increase in the number of LegCo Members returned by GCs through direct elections since the reunification. However, the NPCSC Decision had maintained the ratio of 50/50 for Members returned by FCs and Members returned by GCs for the fourth term LegCo. Since any increase in the number of GC Members would not be offset by a corresponding reduction in the number of FC Members, Ms EU considered that the Decision had contravened Article 68 of the Basic Law which provided that the method for forming LegCo should be in accordance with the principle of gradual and orderly progress, with a view to achieving the ultimate goal of universal suffrage.

23. CS replied that the ratio between LegCo Members returned by GCs and those returned by FCs was not the only yardstick for democratic development. Gradual and orderly progress could still be achieved by other means, such as broadening the size of the electorate of FCs to enhance the representativeness of the FCs, and increasing the number of LegCo seats to allow more people to participate in elections etc. He reiterated that the Third Report of the Task Force would provide reference for wide public consultation on the relevant issues.

24. Mr IP Kwok-him said that Members belonging to the Democratic Alliance for Betterment of Hong Kong supported the NPCSC Decision, which would allow constitutional development to move forward. He opined that the public consultation to be conducted by the Task Force should be large scale, in-depth and at open forums. CS replied that the Task Force would start to widely consult different sectors, and any suggestions from LegCo Members on how the consultation exercise should be undertaken were welcomed.

Possible areas for amendment

25. CS said that on the basis of the NPCSC Decision, the Government could now move forward to examine the areas which might be considered for amendment relating to the "electoral methods". The possible areas were -

- (a) the number of members and composition of EC;
- (b) the delineation and size of the electorate of EC;
- (c) the number of seats in LegCo;
- (d) the number of seats returned by GCs through direct elections and the number of seats returned by FCs; and

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- (e) the delineation and size of the electorate of FCs.

26. Mr Howard YOUNG said that the Liberal Party supported that constitutional development in Hong Kong should progress in a gradual and orderly manner, rather than "reaching heaven in one leap". This would make it easier for consensus in the community to be achieved. The Liberal Party had reflected the view expressed by some sectors of the community that FCs should not be abolished for the 2008 LegCo election. Mr YOUNG said that the NPCSC Decision only dealt with the elections in 2007 and 2008 but not elections thereafter. The Liberal Party considered that the NPCSC should provide a more forward-looking timeframe for the future constitutional development of Hong Kong.

27. Mr Howard YOUNG further said that the Liberal Party agreed that the representativeness of EC and FCs should be enhanced. He reckoned that an increase in the number of EC members and LegCo Members returned by FCs would require amendments to Annexes I and II to the Basic Law. He asked whether a proposal to expand the size of the electorates of EC and FCs without changing the number of EC members and Members returned by FCs would necessitate amendments to the two Annexes. Mr YOUNG considered that the Task Force should provide a road-map on the way forward in its Third Report, and allow sufficient time for the community to engage in detailed discussions.

28. CS noted Mr YOUNG's views. He said that the Third Report would not propose specific options, but would set out the areas relating to "electoral methods" which might be considered for amendment for public consultation. The Task Force would collate all views received and come up with specific options for further consultation with the public. He called upon different political parties and groups and members of the public to participate actively in the process. He assured members that there would be adequate time for consultation and completion of the necessary legislative procedures to implement any changes.

29. Ms Emily LAU said that she strongly objected to increasing the number of LegCo Members returned by FCs. She said that "small-circle" elections should be abolished as they only benefited some minority groups with vested interests. In her view, to retain FC elections and to further increase the number of Members returned by FCs would only impede democratic development in Hong Kong.

30. CS replied that there was bound to be a diversity of views in the community as to whether FCs should be retained, as different people had their own "bottom-lines" according to their backgrounds, values and inclinations. The issue required rational discussions by all parties concerned. He said that the purpose of the review on constitutional development was to achieve broad consensus within the community on a political system that would serve the best interests of the people of Hong Kong as a whole.

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31. Secretary for Constitutional Affairs (SCA) pointed out that in his previous contacts with LegCo Members, some Members returned from FCs had expressed the view that the size of the electorate of FCs should be broadened so as to increase the representativeness of FCs. Political parties and groups including the Liberal Party had also expressed similar views.

32. Ms Emily LAU asked whether consideration would be given to the election of EC members by "one-person, one-vote". CS reiterated that the Task Force would set out in its Third Report specific areas which could be considered for amendment and conduct wide consultation with a view to formulating concrete proposals.

Reporting arrangements to NPCSC

33. Secretary for Justice (SJ) said that under Annex II to the Basic Law, any proposed amendments to the method for forming LegCo should be reported to NPCSC for the record, after the endorsement of a two-thirds majority of LegCo Members and the consent of CE. If the proposed amendments did not accord with the actual situation in Hong Kong or conform to the principle of gradual and orderly progress stipulated in Article 68 of the Basic Law, NPCSC had the power not to put the amendments for the record. It was therefore necessary for the three parties to have consensus on any proposed amendments before invoking the amendment mechanism under Annex II. SJ added that Mr QIAO Xiaoyang, Deputy Secretary General of NPCSC, had confirmed at a recent forum held in Hong Kong that the power of the NPCSC under Annex II was a substantive one.

34. Ms Emily LAU said that under Annex I and Annex II to the Basic Law, proposed amendments to the methods for selecting CE and forming LegCo should be reported to NPCSC for approval and for the record respectively. The public had been under the impression that the reporting arrangements under the two Annexes were different and the one under Annex II was less stringent. She queried whether SJ's advice that the arrangements under the two Annexes were practically the same had in fact changed the meaning of the Basic Law. Ms LAU further said it was a mammoth task for any proposed amendments to be successful under the mechanism in Annex I and Annex II. She queried the need for NPCSC to rule out the option of universal suffrage before the amendment mechanism was even invoked, and raised serious doubts as to whether the whole matter had been handled in accordance with the Basic Law.

35. SJ said that the HKSAR was established under Article 31 of the Constitution of the PRC. In accordance with the Constitution, the NPC enacted the Basic Law, prescribing the systems and policies to be practised in the HKSAR to ensure the implementation of the basic policies of the PRC regarding Hong Kong. These included upholding national unity and maintaining the prosperity and stability of Hong Kong. The political structure was part of the systems of the HKSAR, and constitutional development affecting the political system, such as changes to the "electoral methods", required the consent of the Central Authorities. The HKSAR did not have the right to

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change unilaterally the systems prescribed by the Central Authorities. The role of the Central Authorities in HKSAR's constitutional development was expressly provided in Annex I and Annex II to the Basic Law.

36. SJ further said that the political reality was that any proposed amendments to the "electoral methods" could only be implemented with the support of the Central Authorities. Under Annex I to the Basic Law, NPCSC could refuse to give approval to the proposed amendments for any reasons including political reasons. Under Annex II to the Basic Law, NPCSC could refuse to put the proposed amendments for the record if the amendments contravened the relevant provisions of the Basic Law.

37. SCA added that according to the NPCSC Interpretation adopted on 6 April 2004, any amendments to the "electoral methods" should be reported to NPCSC for approval or for the record, and the amendments might take effect only if the approval or recording had been given or made by the NPCSC. The NPCSC Decision adopted on 26 April 2004 stipulated that the methods for selecting CE and forming LegCo should conform to the principles and provisions of Articles 45 and 68 of the Basic Law, i.e. in accordance with the actual situation in the HKSAR and the principle of gradual and orderly process. Hence, the Interpretation and Decision of the NPCSC, and the relevant provisions of the Basic Law, should be taken in totality in considering any amendments to the "electoral methods". SCA further said that CE was appointed by the CPG, whereas LegCo Members were not. This explained why different reporting arrangements were adopted for proposed amendments to the two "electoral methods". Nevertheless, the requirement for any amendments to conform to the principles and provisions of the Basic Law was the same.

38. Ms Cyd HO pointed out that Mr QIAO Xiaoyang had explained at a public forum that there were two different procedures for reporting a matter to the NPCSC for the record. One of them was that the reported matter would be subject to scrutiny and endorsement by NPCSC within a period of one month, before it was put for the record. This procedure was different from the earlier advice of SJ (paragraph 36 above refers). She requested SJ to clarify the reporting arrangement under Annex II.

39. SJ said that the procedure mentioned by Mr QIAO Xiaoyang referred to the system of reporting matters for the record of NPCSC adopted in the Mainland only. In her discussions with legal experts in the Mainland, the understanding was that recording would be made by NPCSC if the proposed amendments under Annex II conformed to the relevant provisions of the Basic Law.

40. Ms Cyd HO said that in line with the usual practice, the Administration would introduce a bill to provide for the electoral arrangements for the 2008 LegCo election. Members could propose amendments to the bill to the effect that the delineation and size of the electorate of FCs would be expanded to achieve universal suffrage, while maintaining the ratio of LegCo Members returned by GCs and FCs in order to comply with the NPCSC Decision. She asked what reporting arrangement would be adopted for such a bill.

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41. SCA said that as explained in paragraphs 3.6 and 3.7 of the Task Force's First Report, amendments to the "electoral methods" should be made at two levels. First, the "electoral methods" should be amended in accordance with the provisions set out in the relevant Annexes to the Basic Law. Thereafter, local electoral laws should be amended to prescribe the detailed arrangements. In further response to the Chairman on the procedure for amending the method for forming LegCo under Annex II, SCA explained as follows -

- (a) the proposed amendments should only be introduced by the HKSAR Government;
- (b) in accordance with the provisions in Annex II and the NPCSC Interpretation, the proposed amendments must be made with the endorsement of a two-thirds majority of LegCo Members and the consent of CE, and must be reported to NPCSC for the record before they could take effect;
- (c) on completion of the procedure in Annex II, the HKSAR Government could then amend the relevant local legislation; and
- (d) the relevant amendment ordinance would be reported to the NPCSC for the record in accordance with Article 17 of the Basic Law. The reporting arrangement should not affect the entry into force of the law.

SCA pointed out that there were two levels of reporting to the NPCSC for the record in the process, i.e. step (b) and step (d). Step (b) was a pre-requisite for the proposed amendments to take effect and for the HKSAR Government to proceed further with the local legislative process. Step (d), however, would not affect the coming into force of the local legislation.

42. Ms Cyd HO sought clarification as to whether a proposal to expand the size of the electorate of FCs would only involve amendments to local legislation. SJ pointed out that according to Article 2 of Annex II to the Basic Law, except in the case of the first term LegCo, the division of GCs and the voting method for direct elections therein, the delimitation of functional sectors and corporate bodies, their seat allocation and elections methods, shall be specified by an electoral law introduced by the HKSAR Government and passed by LegCo. SJ said that any proposed amendments not involving changes to the method for forming LegCo could be implemented through amendments to local electoral law introduced by the HKSAR Government.

43. Ms Cyd HO commented that the Task Force, as well as the HKSAR Government, should be mindful that they had a responsibility to do their utmost to promote constitutional development under the principles of universal and equal participation.

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Communication with the Central Authorities

44. Ms Emily LAU said that she understood that representatives from different sectors, political parties and groups had recently been invited to meet with Mainland officials in Beijing to discuss issues relating to the constitutional development of the HKSAR. However, political parties and groups as well as LegCo Members belonging to the pro-democracy camp had not been invited. Ms LAU was of the view that Mainland officials responsible for Hong Kong affairs should have direct dialogue with different sectors of the Hong Kong community in Beijing, including members of the pro-democracy camp. She asked whether the Task Force had suggested to the Central Authorities to make arrangements for such meetings.

45. CS said that the meetings mentioned by Ms Emily LAU were arranged by the Central Authorities and not the Task Force. Arrangements were made by the Task Force for LegCo Members to attend an open meeting with Mr QIAO Xiaoyang, Deputy Secretary of NPC, on 26 April 2004. However, the pro-democracy Members had walked out of the meeting. Ms LAU said that the meeting was arranged after, and not prior to, the decision made by the NPCSC. She reiterated her views and requested that the HKSAR Government should raise the matter with the Central Authorities. CS remarked that as the Task Force was established by the HKSAR Government to take forward matters relating to HKSAR's constitutional development, discussions on these matters should be held with the Task Force and in Hong Kong. Nonetheless, CS agreed to convey the views of Ms LAU to the Central Authorities.

II. Any other business

46. There being no other business, the meeting ended at 6:30pm.