

政制及內地事務局
政府總部
香港添馬添美道2號
政府總部東翼



CONSTITUTIONAL AND MAINLAND AFFAIRS BUREAU
GOVERNMENT SECRETARIAT
EAST WING
CENTRAL GOVERNMENT OFFICES
2 TIM MEI AVENUE, TAMAR
HONG KONG

電話 Tel : 2810 2123
圖文傳真 Fax : 2523 4889

By fax : 2509 9055
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Ms Joanne Mak
Clerk to Panel on Constitutional Affairs
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Ms Mak,

At the meeting of the Panel on Constitutional Affairs in December last year, a Member of the Panel expressed concern about a remark of Mr Zhang Xiaoming, the former Deputy Director of the Hong Kong and Macao Affairs Office of the State Council, regarding the need to perfect the systems for implementing the Basic Law, made in his article entitled “Enriching the Practice of ‘One Country, Two Systems’” (《豐富「一國兩制」的實踐》).

As indicated by our representative at the meeting, given that the writer of the above article is not a government official of the Hong Kong Special Administrative Region, it is not appropriate for the Government to make any response to or further comments on Mr Zhang’s article.

The Hong Kong Special Administrative Region Government reiterates that it has all along been acting strictly in accordance with the Basic Law in implementing the basic policies of “One Country, Two Systems”, “Hong Kong people administering Hong Kong” and a high degree of autonomy.

According to Article 43 of the Basic Law, the Chief Executive of the Hong Kong Special Administrative Region shall be accountable to the Central People’s Government and the Hong Kong Special Administrative Region in accordance with the provisions of the Basic Law. To discharge the functions

and responsibilities conferred on him by the Basic Law, the Chief Executive makes duty visit(s) to Beijing each year to report Hong Kong's latest developments in various aspects. The Chief Executive generally makes a duty visit to Beijing for a few days at the end of each year to brief the state leaders on the latest economic, social and political development in Hong Kong. If his schedule allows, the Chief Executive may meet with leading officials from ministries of the Central Government to exchange views on different policy areas.

According to Article 15 of the Basic Law, the Central People's Government shall appoint the Chief Executive and the principal officials of the executive authorities of the Hong Kong Special Administrative Region in accordance with the provisions of Chapter IV of the Basic Law. According to Article 45 of the Basic Law, the Chief Executive of the Hong Kong Special Administrative Region shall be selected by election or through consultations held locally and be appointed by the Central People's Government. The method for selecting the Chief Executive shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures. The specific method for selecting the Chief Executive is prescribed in Annex I to the Basic Law: "Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region". After the Chief Executive is returned by election, the Central Government will promulgate a State Council Order to make an appointment and will issue a press release. The Chief Executive will also visit Beijing to receive from the Premier of the State Council the State Council Order.

Moreover, Article 48(5) of the Basic Law provides that the Chief Executive of the Hong Kong Special Administrative Region shall exercise the power and function of nominating and reporting to the Central People's Government for appointment of principal officials. The relevant principal officials include Secretaries and Deputy Secretaries of Departments, Directors of Bureaux, Commissioner Against Corruption, Director of Audit, Commissioner of Police, Director of Immigration and Commissioner of Customs and Excise. After the Central Government's appointment of the principal officials nominated by the Chief Executive, the Hong Kong Special Administrative Region Government will issue a press release to announce the appointment and the relevant officials will also meet the media.

According to Article 17 of the Basic Law, laws enacted by the legislature of the Hong Kong Special Administrative Region must be reported to the Standing Committee of the National People's Congress for the record. The Department of Justice is responsible for the reporting for record of such laws. From 1 July 1997 till now, the Department of Justice has reported a total of 551 pieces of legislation for the record. According to the record of the Hong Kong Special Administrative Region Government, the Standing Committee of the National People's Congress has not returned any law so far.

Yours sincerely,



(Miss Helen Chung)

for Secretary for Constitutional and Mainland Affairs