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From:
Date:2004/02/28 Sat PM 03:47:43 CST
To:views@cab-review.gov.hk
Subject:Opinions on Constitutional Review

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Dear Sir,

Please find my opinions to the constitutional review as follows:

“How could Hong Kong's political structure develop in accordance with the following principles in the relevant Basic Law provisions which relate to the relationship between the Central Authorities and the HKSAR.

MY OPINIONS: That the CE is appointed by the CPG and accountable to both the CPG and the HKSAR are already enough to realize Article 1 and 12 of the Basic Law.

“On the principles of actual situation and “gradual and orderly progress

MY OPINIONS: “Actual situation and “gradual and orderly progress should be defined through extensive discussion in the society and endorsed by a simple majority in Legislative Council.

“Based on Mr. Ji's explanation in 1990, how could the development of Hong Kong's political structure meet the interests of different sectors of society and facilitate the development of the capitalist economy?

MY OPINIONS: Mr. Ji's opinions are not laws and therefore are not binding. We should not pay too much attention on them.

“What is the most appropriate legislative procedure for amending the methods for selecting the CE and forming the LegCo set out in Annexes I and II?

MY OPINIONS: The matter should be decided by the Court.

“Do we need to follow the procedures set out in Article 159 of the Basic Law, if we amend the methods for selecting the CE or forming the LegCo as specified in Annexes I and II of the Basic Law?

MY OPINIONS: The matter should be decided by the Court.

"How should any amendment relating to the methods for selecting the CE and for forming the LegCo be initiated?

MY OPINIONS: It should be initiated by Legislative Council through passing a relevant motion proposed by either the SAR Government or councilors.

"Whether the method for formation of the third term LegCo could be used for the fourth term LegCo?

MY OPINIONS: No, because it conflicts with the principle that political development should be in a manner of gradual and orderly progress.

"Whether the phrase subsequent to the year 2007 should be understood to include 2007?

MY OPINIONS: The matter should be decided by the Court.

Thank you for your attention

Yours faithfully,

Bill K.P. Chou

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