

Constitutional Development Review

Fax 21233207 (3 pgs)

HK SAR

29 Feb 2004

3-member Panel

on Constitutional Development Review

re: HK SAR

Dear Sir,

I wish to submit my views on the above subject and the content of the same may be released as above-mentioned.

The following facts have no room for debate, whether HK people like them or not.

1. Article 1 - HK SAR is an inalienable part of the PRC.

2. Article 2 - HK SAR is authorized to exercise a high degree of autonomy as opposed to full autonomy.

3. Article 5 - HK SAR will keep its capitalist system & way of life for 50 years i.e. 1997 → 2047. By 2007, it is only $\frac{1}{5}$ on its way to 2047 & therefore must be regarded as having started, on its very early stage of 50 years' development. Is there any compelling reasons for change at this early stage? When Article 23 was brought up for consultation, the anti-China & anti-HK SAR camp argued that there is no urgent need for legislation. Why is there a double standard now?

4. Article 45 — The selection of the CEO/HK SAR must be done in strict compliance with Article 45 and Annex I. There is need to agree what is meant by the actual situation in HK and the principle of gradual & orderly progress; and universal suffrage by open nomination by a broadly representative nominating committee in accordance with democratic procedures.
5. Article 67 — While permanent residents of HK SAR who are not of Chinese nationality or who have right of abode in foreign countries may also be elected members of Legco, the proportion of such members should not exceed 20% of the total membership of the Council. Is there any mechanism now to check & ensure that this 20% requirement is strictly complied?
6. Article 27 — Is there any mechanism now to ensure that District Boards are not entangled with political power? If not, this must be strictly adhered to.
7. Article 104 — There should be specific descriptions to indicate what is meant by members of Legco to (i) swear to uphold BC of HK SAR & (ii) to swear allegiance to HK SAR, such that there are measurable yardsticks to resort to when members are suspected to have breached Art. 104.
8. Article 158 & 159 — People of HK must be reminded that the power of interpretation of the BL is vested in the Standing Committee of the NPC & that of amendment of the BL is NPC.
9. Annex I : 7 — If I read it correctly, HK needs to amend the method for selecting the CEO for the terms subsequent to 15-year 2007, even if established, can only be considered after 2007.

and not in 2007.

10. Annex II — The function of the legal text is 1st, 2nd & 3rd items are clearly split out in Annex II : 1. Changes to such function can only be considered for the fourth item = Remainder. Annex III also seems to me to confirm that there should be no change of the function of the legal text before or in 2007. Changes, if any, may only be considered after 2007.
11. In your task to review any changes to the political structure of the ESCB, I suggest you also invite the Committee for the BL of the ESCB to activate its functions arising from any questions concerning implementation of Article 17, 18, 158 & 159. Since the Committee is a working committee of the Standing Committee of the NPC, its views are, of course, authoritative & should be given weight ^{in view} to any other views as given in this exercise of yours.

Yours sincerely
K. K. Liu