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Subject: Views on issues relating to constitutional development

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Please note my opinion on the issues about constitutional development raised by the Task Force on Constitutional Development.

(Please find the attached file)

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Professor PC Leung

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Sender: Professor Leung Ping Chung
Temporary CPU adviser
Former Hong Kong Delegate to People's Congress

Please note my opinion on the issues about Constitutional Development raised by the Task Force on Constitutional Development:-

A1 It should be taken comfortably that Hong Kong's political structure be developed, strictly in accordance with Article 1 and 12 of the Basic Law; and that Hong Kong's CE be appointed by the CPG, according to Article 43 and 45 of Basic Law.

The current controversy has arisen because since 1997, the CPG has failed to remind Hong Kong people, in an appropriate way, about those Articles, and about the need to respect China (the one country) and to consider the benefits of the two systems together. The former Colonial Government, before its retreat, has established various political policies which emphasized Hong Kong people's self-determination alone, without considering China, as the mother country. After 1997, China kept an extremely low profile on areas of sovereignty, thus unintentionally encouraging Hong Kong people's extreme attitude of "self-determination".

A2 Actual situation of Hong Kong refers to whether people are politically mature, whether they agree on an equal sharing of benefits among the different levels of people. Actual situation should not refer to people's wish for "self-determination" as has been repeatably expressed after the July 1 march. Peoples' disapproval of the incapable government should not be equated with an abrupt control of 'self-determination'.

"Gradual and orderly progress" should mean no hurry. As long as a road map is made towards the day of full universal suffrage, there should be no hurry, particularly when there are so much hardship among the ordinary people, in health services, education, welfare and environment etc. Government efforts should be spent more on those areas rather than just drilling on political reform.

A3 Mr. Ji's explanation should be taken as reference to explain the political development in Hong Kong under the context of one country. Stability and prosperity should be taken as people's well-being and comfortable livelihood, which are obviously not reachable by political changes alone. There are so much to improve in Health Care, Education, Welfare, Cultural, Immigration policies etc. They need to be considered together with political changes.

"Facilitate the development of the Capitalist economy" might just mean an assurance that a Socialist's system would not be introduced.

- B1 Any legislative procedure for amendment should strictly follow the Basic Law. Local legislature should not over-ride the Basic Law.
- B2 Any amendment for selecting CE or forming LegCo must strictly follow the Basic Law. Over-riding the Basic Law is certainly ignoring the 'One Country' commitment.
- B3 There really should be no hurry with amendments for CE selection and LegCo formation. However, a road map must be formed to give everyone a clear idea. The process of amendment could take wide consultation like that of consultation committee on Hong Kong Affaires before 1997.
- B4 Whether the 3rd LegCo could be used for 4th term would depend on the result of the Round map and Peoples' consultation.
- B5 Subsequent to 2007 literally mean after. It is appropriate at this stage to form a wide circle of consultation and give a chance to CPG to re-express its legitimate interpretation of the Basic Law.