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Date: 2004/03/29 Mon PM 10:05:06 CST

To: "views@cab-review.gov.hk" <views@cab-review.gov.hk>

Subject: Constitutional Development    Move To:

Dear Sirs,

I would like to offer my views on the issues of principle and legislative process as follows:

A1 The most important thing is to ensure that the political structure in HK is developed in accordance with the Basic Law.

A2(1) "actual situation" constitutes the situation in the HKSAR, NOT in mainland China, NOT in Taiwan, NOT overseas, and most importantly, not in the mind of some of the officials of the central government nor some basic law drafters but never made known to the people of Hong Kong.

A2(2) "gradual and orderly progress" must have progress in the forward direction. Not making progress clearly fails to satisfy this requirement. Making progress in the reverse direction clearly violates this requirement. Any rate of progress compatible to the political development in Hong Kong and affordable by the people of Hong Kong would satisfy this requirement.

A3(1) The best way to meet the interests of the different sectors of society is to abolish the functional constituencies. The functional constituencies only cater for the interest of certain particular sectors of society. For example, university students are not represented and cannot vote in the functional constituencies. housewives are not represented and cannot vote in the functional constituencies, Associated Members of the Hong Kong Institution of Engineers are probably represented but they cannot vote in the Engineering constituency. Only full direct election can meet the

interest of the different sector of society.

A3(2) The best way to facilitate the development of the capitalist economy in Hong Kong is to avoid bring in any legal concept or mind of thought peculiar to Mainland China but strange to HKSAR.

B1 There is no mention in Annex 1 that the method of selecting the CE laid down thereat shall be limited to which particular term. Hence, it is necessary to amend the Annex for any change to the method of selecting the CE. Annex 2 only laid down the method of forming the LegCo for the second and third terms, except for the number of members which is stated as 60 for each term. Hence, unless the number of member is to be changed, there is no need to amend Annex II for any change to the composition in the fourth and subsequent terms.

B2 Annexes I and II already laid down the procedures for amending the methods for selecting the CE or forming the LegCo. There is no need to rely on Article 159.

B3. To amend the method of selecting the CE, it can be initiated by the LegCo, the HKSAR, or the Central Government. However, no matter who initiate it, it must be first endorsed by the LegCo, then consented by the CE and lastly reported to the Standing Committee of the NPC for approval. To amend the method of forming the LegCo, so long as it does not change the number of members, it can be initiated by the LegCo or the HKSAR. If a change to the number of member is required, it can be initiated by the LegCo, HKSAR, or the Central Government. Again, no matter who initiate it, it must be first endorsed by the LegCo, then consented by the CE and lastly reported to the Standing Committee of the NPC for record.

B4. No, the method for the formation of the third term LegCo cannot be used for the fourth term LegCo. That is no in line with the principle of "gradual and orderly progress

B5. The statement should be understood by "the term subsequent to the

year 2007 . The term of office of the CE from 2007 to 2012 is clearly the term subsequent to the year 2007. To single out "subsequent to the year 2007" for consultation is misleading.

K Y Chan

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