


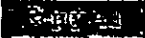
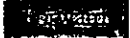
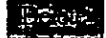
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From:

Date: 2004/03/30 Tue AM 01:30:28 CST

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

Subject: Citizens Party's position of constitutional development

    Move To: **Citizens Party's position on constitution development in Hong Kong****March 29, 2004****Regarding the authorities of the Central People's Government**

The Citizens Party recognizes that:

- The Government of the Hong Kong Special Administration Region (HKSARG) comes directly under the Central People's Government (CPG) as stipulated in Article 12 of the Basic Law in accordance with Article 31 of the Constitution of the People's Republic of China (PRC).
- The high degree of autonomy, as being exercised in Hong Kong Special Administrative Region (HKSAR), is authorized by the National People's Congress (NPC), as stipulated in Article 2 of the Basic Law. Such authorization is constitutionally conferred on the HKSARG and therefore not subject to changes by executive and administrative means.
- Regardless of what form the future electoral methods will take in Hong Kong, the Central Authorities retain real and enormous jurisdictional authorities over the HKSAR's political organs, as are already stipulated in the Basic Law under:
 - Article 17, that the Standing Committee of the NPC may invalidate any legislation passed by the Legislative Council, if it should consider such law not in conformity with the provisions of the Basic Law regarding affairs within the responsibility of the Central Authorities or regarding the relationship between the Central Authorities and the HKSARG;
 - Article 18, that the CPG may issue an order applying the relevant national laws in the HKSARG, in the event that the Standing Committee of the NPC decides to declare a state of war or, by reason of turmoil within the HKSARG which endangers national unity or security and is beyond the control of the HKSARG, decides that the HKSAR is in a state of emergency;
 - Article 45, that the Chief Executive shall be selected by election and be appointed by the CPG;
 - Article 48, that the key principal officials of the HKSARG be appointed by the CPG, upon nomination by the Chief Executive;
 - Article 158, the power of interpretation of the Basic Law shall be vested in the Standing Committee of the NPC; and

- o Article 159, the power of amendment of the Basic Law shall be vested in the NPC.

Regarding constitutional development in Hong Kong

The Citizens Party believes that election of the Chief Executive and all Legislative Council members by universal suffrage after 2007 is entirely possible and constitutional under Articles 45 and 68 of the Basic Law in accordance with the principle of gradual and orderly progress. In fact, the experience in ineffective governance by the HKSARG since its establishment is largely attributable to the electoral development being too slow, not fast.

The Citizens Party urges that:

- The NPC and CPG recognize and support the longstanding aspirations of the Hong Kong people to select their political representatives by universal suffrage to run the HKSARG as soon as constitutionally permissible under the Basic Law.
- The HKSARG abolishes all laws that discriminate against political party members and exclude them from assuming the posts of the Chief Executive and key principal officials. Abolition of such laws should greatly enhance support from the Legislative Council for the Executive-led Government.

Regarding election of the Chief Executive of the HKSAR

The Citizens Party recognizes that:

- In the process of developing the method of electing the Chief Executive in 2007 by universal suffrage, which requires approval from the Standing Committee of the NPC (Annex I of the Basic Law), the CPG wants to further actualize its jurisdictional authorities over the HKSARG. Such authorities will most appropriately be recognized in accordance with Article 45 of the Basic Law through the adoption of a broadly representative nominating committee in accordance with democratic procedures.

The Citizens Party supports that:

- The Election Committee, which selected the Chief Executive in 2002, could practically be adopted to become the Nominating Committee, the only function of which should be to nominate candidates for the general election of the Chief Executive. This method would make use of the current mechanism, which was already accepted by the CPG in the past Chief Executive election.
- Any eligible person who gets endorsement of a minimum of 5% from the Nominating Committee shall become a candidate for the Chief Executive Election, in order for any person, who gets a reasonable amount of support from the community to receive sufficient nomination.
- The nomination process should be done by secret ballot and be scrutinized by the Hong Kong public.
- Candidates nominated shall then stand for a general election by universal suffrage.

Regarding election of the Legislative Council


The Citizens Party urges that:


- Beginning with the 2008 election, all Legislative Council members should be returned by geographical constituencies by universal suffrage.

During its current consultation exercise, the Chief Executive and the Constitutional Development Task Force should actively build a broad based consensus among the people of Hong Kong and seek support from the CPG for endorsement of the new electoral methods.

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