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Date: 2004/09/06 Mon AM 11:54:45 CST

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Dear Responsible Officer,

This is Hong Kong Association of China Business Ltd/香港內地經貿協會(HKACB), a non-profit making organization registered in Hong Kong. Most of our members are Hong Kong professionals and enterprises involving in China business, especially in Mainland China. Introduction and information about HKACB can be found at our website: www.hkacb.org

Concerning the current consultation held by the HKSAR Government on " the Methods for selecting the Chief Executive in 2007 and the Methods for Forming the Legislative Council in 2008", our Executive Committee has a discussion on the possible effects of constitutional development on the overall economic and business environment, which may in turn affect the interest of our Hong Kong professionals and enterprises in the future. Based on the objectives of our Association, we would like to express our opinion and provide friendly suggestion on possible constitutional changes as attached.

Your kind confirmation on the receipt of this email and its related attachment will be greatly appreciated. Should you have any questions on our opinion and suggestion, please let me know.

Sincerely Yours,

Ping Wong (黃炳達)

Chairman (會長)

Hong Kong Association of China Business Ltd. (HKACB)

香港內地經貿協會有限公司

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香港内地经贸协会

Hong Kong Association of China Business

Opinion and Suggestion

On

**Possible Convenience To Be Provided For The Hong Kong
Professionals and Enterprises Involving In China Business To
Exercise Their Right To Vote In The Elections For The Chief
Executive And Members Of The Legislature Council**

From

**The Executive Committee
Hong Kong Association of China Business Ltd.**

August 28, 2004

Background

Hong Kong Association of China Business Ltd. 香港内地经贸协会有限公司 (“HKACB”) is a non-profit making Organization formed in HKSAR by a group of Hong Kong professionals and enterprises involving in China Business, including Small and Medium Enterprises (SME). Many of the HKACB members have good Mainland China experiences with different professional background. Many of them are traveling frequently between Hong Kong and Mainland China. **Objectives of our Association are:**

- To support and assist Hong Kong professionals and enterprises in developing their careers and business relating to Mainland China.
- To promote common interest of Hong Kong professionals and enterprises in their development of the China market.
- To provide representation of China business related professionals and enterprises in their communications and interaction with related organizations, government bodies or associations from Mainland China, HKSAR and foreign countries.
- To promote the common interest of Hong Kong small and medium enterprises (SME) as well as their employees, especially in their business relating to Mainland China; response actively and positively to the SME policy of the HKSAR government and its implementation.
- To encourage the studies and researches on issues and topics relating to China business.

(Please see our website for more information: www.hkacb.org)

Concerning the current consultation on constitutional development held by the HKSAR Government, our Executive Committee has a discussion on its possible effect on the overall economic and business environment in Hong Kong, which may in turn affect the interest of our members and many other Hong Kong professionals and enterprises with similar background. Based on the objectives of our Association, we would like to express our opinion and provide our friendly suggestion for the Government to consider.

Basic Consideration

Our Association is focusing mostly on the economic and business interest of Hong Kong professionals and enterprises including SMEs, especially for those who are involving in China Business, we think that:

1. the principle of “One Country Two Systems” and the Basic Laws are the most important foundation of Hong Kong’s stability and prosperity which should be fully respected and supported by all means.
2. any constitutional changes would in different degrees affect the economic and business environment of Hong Kong, which will in turn affect many Hong Kong professionals and enterprises in their livelihood and economic well being.
3. any changes in political system would bring new possible changes to the formulation and implementation of government policies in many different aspects, especially in the economic and business sectors we concern most.

4. The possible new methods for the Selection of the Chief Executive and new members of the Legislative Council would greatly affect the Government in its daily operation and effectiveness to serve the Hong Kong community.

Based on the above perception, we further recognize and respect that:

5. Different Hong Kong professionals and enterprises may have different points of view on different political issues such as methods for selection of the Chief Executive and members of Legislative Council. These different opinions should be able to be expressed through different channels within the existing legal framework under the Basic Laws.
6. Different citizens should be able to exercise their full rights with convenience to vote under a well designed and selected system to be agreed upon through reasonable political process and effective communication among all related parties and authorities.

Main Concern

We are currently not in a position to comment and suggest any more concrete and systematic methods for the selection of the Chief Executive and members of the Legislative Council in 2007 and 2008, since there are already many voices and opinions in the community on these topics.

However, considering the critical factors as mentioned above and the particular interest of many professionals and enterprises involving in China business like most of our members, we would like to express our following concern:

1. With the increasing economic and business interaction between Hong Kong and the Mainland, many professionals and entrepreneurs have to travel very frequently to different Mainland cities from time to time. Due to business and job requirements, more and more Hong Kong people even have to stay in different Chinese cities for a different period of time. This becomes a business reality and general phenomenon for increasing numbers of professionals and enterprises, especially after CEPA and the further opening of China Market after its entry to WTO.
2. Under the competitive working environment nowadays, voters like many of our members really find it hard to arrange their traveling schedule to fit all their personal and social schedules requiring their physical presence in Hong Kong. It becomes an obstacle for them to exercise their voting right on election days. Their willingness and incentive to vote and elect their preferred candidates may then be affected. This may be quite significant for Hong Kong professionals and enterprises that traditionally pay most attention to their own careers and livelihood than politics in a very practical sense.
3. Hong Kong professionals and entrepreneurs involving in Mainland China business should be regarded as an important group contributing to the economic prosperity and stability of Hong Kong. As an important group of taxpayers too, they always act as an effective bridge between Hong Kong and the Mainland in many aspects under "One Country, Two Systems". Most of them are typical middle-class citizens deserving more convenience to be provided by the Government, especially in the exercise of their rights as a Hong Kong permanent resident and key members of the business community.

4. Under the above circumstances, we are very concerned about how the increasing numbers of Hong Kong professionals and enterprises including SMEs can exercise their voting rights in important elections with convenience and suitable arrangements provided by the Government.
5. There may be a very significant numbers of professionals and entrepreneurs in Hong Kong not able to vote in those important elections due to their required business trips and working requirements in Mainland China.
6. To a certain extent, the current voting arrangements may not have considered the above situation and made necessary adjustment fitting the changing situation of many qualified voters as described above. This somehow prevents those voters as well as taxpayers to exercise their rights effectively. Their important views and opinion may therefore not be able to be reflected through the elections.

Our Suggestions

Based on our main concern as stated above, we would like to suggest the following for the Government to consider:

1. A useful and in-depth research by the Government should be conducted to clarify the above-mentioned situation affecting Hong Kong professionals and enterprises involving in China business. The following questions would be critical in such a research:
 - how many qualified voters may face the above situation that may not be able to vote on the elections dates?
 - how significant it is on the result of the elections if a large number of such voters can not be able to vote due to their frequent traveling to Mainland China?
 - What kind of convenience could be provided by the Government under the principle of "One Country, Two Systems" and the Basic Laws for the above group to exercise their right to vote when they are not in Hong Kong ?
 - how the above situation affects the effectiveness of each election and the incentive of qualified citizens to vote?
2. About the possible convenience to be provided by the Government for the above group of voters, the Government may explore the suitability and possibility of the following measures under the Principle of "One Country, Two Systems" and the Basic Laws:
 - Under carefully set out criteria and reasonable procedures, voters may be allowed to submit their ballots for the elections before the election days when they may be traveling to Mainland China under the "One Country" consideration.
 - In Mainland cities where many of the voters may travel frequently and even station all the time, such as Beijing, Shanghai, Guangzhou, Shenzhen etc., special centers for them to place their ballots on the election days may be set up under carefully designed system and well selected criteria. The Government can study further whether it is politically and technical workable, considering that all these cities are parts of the China Territory under "One Country, Two Systems".

- Qualified voters under the possible arrangements above should be Hong Kong permanent residents with voting rights under the Basic Laws.
 - In line with the context of "One Country, Two Systems", all possible elections and voting shall only be arranged and implemented within China's territories.
3. Some important remarks about our opinions and suggestions to be noticed are:
- the above suggestions are our initiative to bring out some practical issues about the elections for the Government's further effort to study carefully and systematically.
 - our suggestion should be regarded as a friendly reminder to the Government on the importance of reasonable voting arrangement for different groups of voters under whatever methods selected for the future elections. These related topics may not have been completely or perfectly considered in the current discussion of constitutional development.
 - we really do not have a final conclusion yet on the topics raised above. We expect that the Central Government, the HKSAR Government and different political groups will consider the related matters on a very friendly and rational basis, looking for possible common understanding and solution.
 - Repeat, our basis of grounds and concerns is to possibly facilitate further efficiency of future elections and voting by the "neglected" groups of HK professionals and enterprises who are required to travel to the Mainland frequently or stay there for a period of time and cannot exercise their voting rights on the prescribed future election days in HKSAR under the principle of "One Country, Two Systems" and the Basic Law set forth for HKSAR.