

**Speech by Hon Elsie Leung, GBM, JP  
the Secretary for Justice  
at the Monthly Luncheon of the ExCo  
on 12 February 2004**

Chief Executive, Ladies and Gentlemen,

This is the first Monthly Thursday Lunch which I have attended since the Chinese New Year. May I take this opportunity to wish you all a prosperous, fruitful and happy Year of the Monkey.

On the 7<sup>th</sup> January, the Chief Executive delivered his Policy Address for 2004, in which he undertook that on “the basis of maintaining ‘One Country, Two Systems’ and adhering to the Basic Law, the Government will actively promote constitutional development in Hong Kong”.

He also announced the setting up of a Task Force, headed by the Chief Secretary for Administration, comprising also myself, the Secretary for Justice, and the Secretary for Constitutional Affairs. The role of the Task Force is to seriously examine important issues relating to

our political structure, to understand the views of the Central Authorities and to consult the community in Hong Kong before making appropriate arrangements for the review of constitutional development.

The Chief Executive mentioned in his Policy Address that the methods for selecting the Chief Executive and for forming the Legislative Council after 2007 are important components of Hong Kong's political structure. Changes of these methods may affect the implementation of the Basic Law, the relationship between the CPG and the government, the interests of various sectors of the community, and the long-term prosperity and stability of Hong Kong. These issues must be carefully examined, because the government has always attached great importance to these principles and any proposal for change must be consistent with the Basic Law.

These are also the concerns of the CPG. The Chief Executive mentioned that President Hu Jintao expressed to him during his duty visit in December the serious concern of the CPG towards the development of Hong Kong's political structure. Later, the CPG also

expressed the wish to be consulted before we proceed with any proposal for constitutional development. Hence the recent visit of the Task Force to Beijing.

The Chief Secretary yesterday made a statement in the Legislative Council informing the public of the discussions the Task Force had with the Central Authorities, and with legal experts who have a great understanding of the Basic Law and its drafting background. The visit enabled us to have a better understanding of the views of the CPG and of the Basic Law. The impression we received was that the issues of concern to the CPG and the HKSARG are common. No directive was given to us as to how to proceed with the matter. However, those we spoke to hope that there will be thorough and rational discussions amongst Hong Kong people of these important issues so that constitutional development may proceed on a sound basis. The people we talked to all have strong sentiments towards Hong Kong. The discussions were candid and they were genuinely concerned about the interests of Hong Kong.

I shall explain briefly from our discussion with the Central Authorities why these issues are so important:

The Basic Law was promulgated to prescribe the systems to be practiced in the HKSAR in order to ensure the implementation of the long term basic policies of the PRC regarding Hong Kong. The political structure was so designed that it should accord with the principle of ‘one country, two systems’, and with the aim of maintaining stability and prosperity in Hong Kong, and should be in line with its legal status of being a Special Administrative Region directly under the CPG. The political structure is an important component of our system, and any change in it must be consistent with these principles.

In accordance with the principle of ‘one country, two systems’, on any important issue, we should consider not only the interests of Hong Kong, but also the interests of our country. Any change in our system must not impair the interests of our country or the other system. That was why the Central Authorities reiterated what the designer of ‘one country, two systems’, Mr. Deng Xiaopeng, repeatedly said; that Hong Kong should be run by people who love our country and who love Hong Kong. Those people include compatriots and others.

Hong Kong enjoys a high degree of autonomy through the authorization of the CPG. It was the Standing Committee of the NPC that decided on the establishment of the HKSAR and the system to be instituted there. Any change to that system should only be effected with the consensus of the authority that instituted our system, and must not impair our relationship with the Central People's Government.

Article 45 and Article 68 of the Basic Law, as well as Annexes I and II of the Basic Law, prescribe the method by which the Chief Executive is to be selected or elected and the method for the formation of the Legislative Council. They provide that the ultimate goal is universal suffrage in light of the actual situation in the HKSAR and in accordance with the principle of gradual and orderly progress.

The actual situation must be considered in the light of the design of the political structure under the Basic Law, that is, the aim of maintaining prosperity and of developing the economic system which is practiced in Hong Kong, that is, capitalism. To maintain stability, the interests

of the different sectors of society must be considered and there should be participation by various strata of the community. After all, in a democratic society, the voice of the minority should also be heard. Any change in our political structure must ensure that these principles will be maintained.

I believe few would argue against these principles. However, the weight to be given to these principles, and how they are to be reflected in the political structures, are matters to be thoroughly discussed. It is only when a broad consensus can be reached on these issues in our community that we may proceed with the discussion of options for change.

Ladies and gentlemen, constitutional development concerns the whole of Hong Kong. I hope that you will assist the Task Force in its work by giving your opinion to us in writing, through the Internet, or by meeting with us. Your views will be valuable to us and to Hong Kong.

Thank you, Chief Executive, ladies and gentlemen.