

Legislative Council Panel on Constitutional Affairs

**Development of the Hong Kong
Special Administrative Region's Political System**

Introduction

Members of the Legislative Council ("LegCo") Panel on Constitutional Affairs asked the Administration to respond to the recommendations of the Report on the development of the political system of the Hong Kong Special Administrative Region ("HKSAR") presented by the Panel in June 2000.

Background

2. The LegCo Panel on Constitutional Affairs conducted a public consultation on the development of the HKSAR political system in the first quarter of 2000. The Research and Library Services Division of the LegCo Secretariat was also asked to conduct a research study on system of government in some foreign countries. A report was then presented by the Panel to the LegCo before the end of the last legislative session.

3. The Panel recommended in the report that the Government should undertake a review on the development of the HKSAR's political system and conduct an extensive consultation exercise. The Panel also recommended the Administration to study, as part of the review, a number of specific issues (please refer to the extract attached at the Annex). The Administration's response to the recommendations of the Panel's report is given in the following paragraphs.

Review on the Development of the HKSAR's Political System
(Paragraph 6.1 of the Panel's report)

4. The Basic Law has laid down a road map for HKSAR's democratic development. It provides for gradual and orderly progress in

our democratization process. By the year of 2004, the number of directly elected seats in the legislature will increase to 30. The ultimate aim is the election of all the members of the LegCo by universal suffrage. The Basic Law also provides a mechanism for the HKSAR to change the method for the formation of LegCo after 2007.

5. Constitutional development is an important subject that has a fundamental bearing on the whole community. In considering how to further the constitutional development of Hong Kong, we should consider very carefully the impact of democratic reform on society and adopt a step-by-step approach in accordance with the Basic Law. Between now and 2007, there are two milestones in constitutional development, namely, the 2002 Chief Executive election and 2004 LegCo elections. We will review the experience of these two elections before deciding the way forward.

6. In conducting the review of constitutional development, we will provide ample opportunity for the community to make known their views. We hope that, with a full scale and informed debate, mature views and consensus will emerge in the community on the future development of the political structure in HKSAR.

System of Accountability (*Paragraphs 6.2(a) and (b) of the Panel's report*)

7. In the 2000 Policy Address, the Chief Executive noted that the LegCo and the community had expressed the view that as senior officials were involved in policy making and played a leading role in public affairs, they should be held accountable for the outcome of their policies. He agreed that the SAR Government should respond seriously, undertake a thorough review, and make the system of accountability more complete. The Chief Executive undertook to examine how, under his leadership, the accountability of principal officials for their respective policy portfolios could be enhanced. The review is now underway and we reported to the Panel the progress of the review at the last meeting on 21 May 2001.

Relationship between the Executive and the Legislature (*Paragraph 6.2(c) of the Panel's report*)

8. As a follow-up to the 2000 Policy Address, we have been discussing with the LegCo on how to improve the operation of the Panel and Bills Committee systems so that the Administration would involve LegCo members as early as possible in the policy formulation process, understand the opinions of LegCo Members, and could better ensure that policies formulated and Bills submitted would have the support of the legislature and cater to the needs and expectation of the community. Together with the LegCo, we are making good progress on this front and have identified a number of improvement measures.

9. At the House Committee meeting on 18 May, the Chief Secretary for Administration has undertaken to cultivate a better relationship with the legislature and listed six areas of improvements. We will continue to strengthen communication with LegCo Members according to the six-point proposals outlined by the Chief Secretary.

Study of Government Systems (*Paragraph 6.2 (d) of the Panel's report*)

10. We are examining the government systems in other parts of the world. We will analyze the strengths and weaknesses of other systems, and see if we are able to draw reference from their experience. The research report on the system of government prepared by the LegCo Secretariat provides good reference for our study. We will make available our findings to Members upon completion of the study later this year.

Conclusion

11. Members are invited to note our response to the recommendations of the Panel's report.

Constitutional Affairs Bureau
June 2001

CHAPTER 6

RECOMMENDATIONS

6.1 After having considered all the views received and deliberated in detail the relevant issues, the Panel recommends that a review on the development of the HKSAR's political system should be undertaken by the Government. In order to gauge the views of members of the public on the matter, an extensive consultation exercise should be conducted as soon as possible. The Panel considers it of paramount importance that the Government must devise a realistic timetable for the review to ensure that there could be no question of time constraints for not being able to implement any recommendations arising from the review.

6.2 The Panel further recommends that as part of the review, the Government should -

- (a) explore the feasibility of developing constitutional conventions under which principal officials shall voluntarily resign as a result of having committed serious mistakes in the formulation or implementation of government policies;
- (b) study the proposal of implementing a more flexible contract system so that principal officials may be held politically accountable for their decisions;
- (c) examine the merits of developing conventions conducive to enhancing accountability of the executive to the legislature, e.g. the appearance of the Chief Executive before LegCo on a more frequent basis to answer questions on important issues and the meeting of the Chief Secretary for Administration with leaders of political parties on a regular basis; and
- (d) study different systems of government and make recommendations on a system that would be most suitable to the circumstances of the HKSAR and acceptable to the community as a whole.