

**The Hong Kong Bar Association's Views on the Report by the Chief Executive of
the HKSAR to the SCNPC (15 April 2004)**

1. The "Report by the Chief Executive of the HKSAR to the SCNPC on whether there is a need to amend the methods for selecting the CE of the HKSAR in 2007 and for forming the Legislative Council in 2008" ("the CE's Report") released on 15th April 2004 is fundamental to the political development of Hong Kong. The nine factors identified in the CE's report, if adopted or amplified by the SCNPC, will in effect become the blueprint of any future constitutional development of the HKSAR. The Bar believes that the CE had a duty widely and properly to consult the Hong Kong community. Regrettably the CE has failed to do so.

2. At the time of consultation by the Task Force, it was not envisaged that the Task Force's Report would form the basis of the CE's Report to the SCNPC as required under the Interpretation announced on 6th April 2004. It was widely envisaged that the Task Force's Report would be the beginning of a community-wide consultation. However, the course of the Task Force's consultation was diverted by the Interpretation and was cut short. As a result, the Task Force's Report may not accurately and comprehensively reflect the views of HK residents.

3. It is regrettable that the Task Force's Report, with all its limitations, has been adopted by the CE as his Report to the SCNPC without further proper consultation.

4. As it is, the CE's Report identifies nine factors which have not been the subject of any open and focused discussion. Some of these are in general and ambiguous terms. The Bar will study the nine factors and provide its views in due course.

Dated 15th April 2004.