

## ***How much do you know about Hong Kong's constitutional history?***

### **Did you know...**

- **the Drafting Committee Sub-group on the Basic Rights and Duties of HK Residents had wanted to include a minimum voting age of 21 in the Basic Law** [see *Progress Report of the Sub-group of Fundamental Rights and Duties of HK Inhabitants* dated 22 August 1987, accessible as Document No. BL0053 in the BLDHO Drafting Materials database]
- **members of the pre-1991 Legislature and Executive Council reached a consensus on a political model that would have seen the introduction of universal suffrage for the election of the Chief Executive and the Legislative Council by 2003** [see *LegCo's Official Report of Proceedings* dated 31 May 1989, accessible as Document No. Legco028 in the BLDHO LegCo Database]
- **in a motion debate on whether a bill of rights should be enacted, three legislators gave speeches for not supporting the motion, while two gave speeches for abstaining. All other legislators who spoke supported the motion** [see *LegCo's Official Report of Proceedings* dated 27 June 1990, accessible as Document No. Legco043 in the BLDHO LegCo Database]
- **the right to a fair trial and the presumption of innocence, now enshrined in Article 87 of the Basic Law, were not included in early drafts of the Basic Law and were only added after the first public consultation in 1988** [see various drafts of the Basic Law, accessible in the BLDHO Textual History database]
- **a proposal to include a ban on abortion in the Basic Law was rejected by the Drafting Committee Sub-group on the Basic Rights and Duties of HK Residents as being "inappropriate"** [see *HK Standard*, 19 March 1987, accessible as Document No. DC0246 in the BLDHO News Coverage database]
- **the Drafting Committee Sub-group on the Relationship between the Central Authorities and the HKSAR unanimously agreed to adopt a provision that would require the Hong Kong government to pass legislation to ban subversion, secession and sedition. After the meeting, one member told the press: "Hongkong's people would worry if such activities were not given clear legal definition"** [see *SCMP* and *HK Standard*, 19 February 1987, accessible as Document No. DC0176 and DC0175 in the BLDHO News Coverage database].

*The Centre for Comparative and Public Law (<http://www.hku.hk/ccpl>) and the University of Hong Kong Libraries (<http://www.lib.hku.hk>) are pleased to announce the launch of **Basic Law Drafting History Online, Release 2.0** (<http://sunzi1.lib.hku.hk/bldho/>). Three new databases are now available to further your knowledge and understanding of Hong Kong's constitution. With these new databases, users can now*

- ❖ *read what was being reported in the English language newspapers on the Basic Law drafting and consultation processes*
- ❖ *read what was said about the Basic Law in the Legislature when the drafting was taking place*
- ❖ *research the history of every article and provision in the Basic Law in earlier draft versions of the text.*

*December 2008*

## 你對香港的憲制歷史有多少認識？

你知不知道……

- 基本法起草委員會轄下的香港居民的基本權利與義務專題小組曾建議在《基本法》中規定最低投票年齡為 **21 歲** [參見：1987 年 8 月 22 日香港居民的基本權利與義務專題小組的工作報告，載於草擬材料資料庫 (BLDHO Drafting Materials database)，文件編號 BL0053]
- **1991 年前**，立法局和行政局成員曾就香港的政治模式達成共識，擬定最遲於 **2003 年** 推行行政長官和立法會的普選 [參見：1989 年 5 月 31 日立法會會議過程正式紀錄，載於立法局資料庫 (BLDHO LegCo Database)，文件編號 Legco028]
- 在一個關於是否制定人權法案的議案辯論中，三名立法局議員發言表示不支持有關議案，而另外有兩名議員則發言表示對議案投棄權票。其餘發言的議員均表示支持有關議案 [參見：1990 年 6 月 27 日立法會會議過程正式紀錄，載於立法局資料庫 (BLDHO LegCo Database)，文件編號 Legco043]
- 在《基本法》的初稿中並未有包含現行《基本法》第 **87 條** 中關於保障公正審判的權利和假定無罪的規定。有關的規定只是在 **1988 年**《基本法》草稿首次諮詢公眾意見後才被加入的 [參見：各《基本法》草稿，載於文本歷史資料庫 (BLDHO Textual History database)]
- 基本法起草委員會轄下的香港居民的基本權利與義務專題小組以「不適合」為由，否決一個關於在《基本法》中明文規定禁止墮胎的建議 [參見：1987 年 3 月 19 日英文虎報的報導，載於新聞報導資料庫 (BLDHO News Coverage database)，文件編號 DC0246]
- 基本法起草委員會轄下的中央和香港特別行政區的關係專題小組一致同意在《基本法》中加入條文，要求香港政府制定法律禁止顛覆、分裂國家和煽動叛亂的行為。會後，一名小組成員向記者表示：「如果不對這些行為作出清晰的法律定義，將會引起香港人的憂慮」 [參見：1987 年 2 月 19 日南華早報和英文虎報的報導，載於新聞報導資料庫 (BLDHO News Coverage database)，文件編號 DC0176 及 DC0175]。

香港大學比較法與公法研究中心(<http://www.hku.hk/ccpl>)及香港大學圖書館(<http://www.lib.hku.hk>)宣佈，**“香港基本法草擬過程資料庫”第二版**(<http://sunzi1.lib.hku.hk/bldho/>)現已正式啟動。最新版的香港基本法草擬過程資料庫加入了三個新的資料庫，為用戶提供更多關於香港憲制的資料，加深他們對香港憲制發展的瞭解。透過這些新加入的資料庫，用戶現可

- ❖ 閱讀英文報章對《基本法》草擬過程和諮詢過程的報導
- ❖ 閱讀立法局於《基本法》草擬過程期間就《基本法》的討論
- ❖ 從各《基本法》草稿中瞭解《基本法》內各條文和規定的由來

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