

Legislative Council Panel on Constitutional Affairs

Mechanism for Amending the Basic Law

At the meeting of the Legislative Council Panel on Constitutional Affairs on 12 June 2001, the Legislative Council Secretariat circulated an information paper which summarises the work done by the HKSAR Government and the Legislative Council Panel on Constitutional Affairs between 1998 and 1999 on the issue of devising a mechanism for amending the Basic Law. The Panel held two public hearings and raised a number of issues for study. The Administration has completed a detailed analysis of the issues identified and provided our views to the Panel. Further, the Administration has outlined the steps that need to be taken to devise a mechanism for amending the Basic Law and the estimated time required for those procedures that are within the ambit of the HKSAR. The Department of Justice has also briefed the Panel on the procedures for constitutional amendments in overseas countries.

2. Separately, the HKSAR Government has been discussing the matter with the Central Government since 1999. At the Panel meeting in October 2000, the Administration informed the Panel that between 1999 and October 2000, the HKSARG had held six meetings with the Central Government to discuss the matter. As stated in our progress report of December 2000 to the Panel, the HKSAR Government discussed the matter again with the Central Government in November 2000.

3. We can understand certain Members' wish that the mechanism for amending the Basic Law be established by the SAR Government as early as possible. We are now in the process of consulting the Central Government. We must discuss the matter with the Central Government as the establishment of the mechanism for amending the Basic Law involves issues relating to the Legislative Council, the HKSAR deputies to the National People's Congress (NPC) and the Chief Executive which are inter-related. These are not issues that can be unilaterally resolved on our own. We need to discuss these issues fully with the various parties concerned. As regards the issues involving the Central Authorities, it is not possible for us to resolve the issues on our own. We must consult the Central Authorities beforehand. For example, how should the HKSAR deputies to the NPC discharge their duties under BL159? Moreover, members of the Panel have raised a number of issues including those that relate to the Standing Committee of the NPC, the State Council and

the Committee for the Basic Law. We need to discuss these issues with the Central Authorities.

4. The Administration has conveyed to the Central Government the concerns expressed by members of the Panel over the limited progress made so far in devising a mechanism for amending the Basic Law. The Central Government's view is that this is an important matter that needs to be handled with care. The Central Government has indicated that it would study the matter. As stated in our progress report of December 2000 to the Panel, the Central Government considers it necessary to study the matter in conjunction with the NPC as many issues involve arrangements relating to the NPC.

5. At a meeting with the Central Government to discuss certain issues in February 2001, the HKSAR Government raised this matter again at the margins of the meeting. The Central Government did not indicate any progress at that time. The HKSAR Government will follow up the matter and will report to the Panel when there is further progress.

Constitutional Affairs Bureau
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