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Top legislature interprets HK Basic Law

The following is a Xinhua translation of the Chinese text of the Interpretations of Clause 7 of Annex I and Clause 3 of Annex II to the Basic Law of the Hong Kong Special Administrative Region adopted by the National People's Congress (NPC) Standing Committee on Tuesday (The official English version of the Interpretations shall be issued upon approval by the NPC Law Committee):

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Interpretations of Clause 7 of Annex I and Clause 3 of Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China by the Standing Committee of the National People's Congress

Adopted at the 8th meeting of the Standing Committee of the 10th National People's Congress (NPC) on April 6, 2004

The 8th meeting of the 10th NPC Standing Committee deliberated "Interpretations of Clause 7 of Annex I and Clause 3 of Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China by the Standing Committee of the National People's Congress (draft)", which was submitted for deliberation by a meeting of chairman and vice chairpersons of the NPC Standing Committee. After consulting the Committee for the Basic Law of the Hong Kong Special Administrative Region (HKSAR) of the NPC Standing Committee, the NPC Standing Committee has decided, in accordance with Subparagraph 4 of Article 67 of the Constitution of the People's Republic of China and the first paragraph of Article 158 of the Basic Law of the HKSAR of the People's Republic of China, to make the following interpretations of Clause 7 of Annex I, Method for the Selection of the Chief Executive of the HKSAR, and Clause 3 of Annex II, Method for the Formation of the Legislative Council of the HKSAR and Its Voting Procedures, to the HKSAR Basic Law, which

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respectively stipulate "if there is a need to amend the method for selecting the Chief Executive for terms subsequent to the year 2007, such amendments must be made with the endorsement of a two-thirds majority of all the members of the Legislative Council and the consent of the Chief Executive, and they shall be reported to the Standing Committee of the National People's Congress for approval" and "with regard to the method for forming the Legislative Council of the Hong Kong Special Administrative Region and its procedures for voting on bills and motions after 2007, if there is a need to amend the provisions of this Annex, such amendments must be made with the endorsement of a two-thirds majority of all the members of the Council and the consent of the Chief Executive, and they shall be reported to the Standing Committee of the National People's Congress for the record":

I. The period defined as 'subsequent to the year 2007' and 'after 2007' in the two annexes mentioned above shall include the year 2007.

II. That "if there is a need to amend", after 2007, the method for selecting the Chief Executive and the method for forming the Legislative Council and the procedures for the Council's voting on bills and motions, which are provided for in the two annexes mentioned above, means that they may be amended or may not be amended.

III. The provisions, in the two annexes mentioned above, on requirements relating to the endorsement of a two-thirds majority of all the members of the Legislative Council, consent of the Chief Executive and reporting to the NPC Standing Committee for approval or for the record, refer to prerequisite legal procedures for amending the methods of selecting the Chief Executive and forming the Legislative Council, as well as for the procedures for voting on bills and motions in the Legislative Council. Only upon the completion of the above-mentioned procedures, including the final approval or registration for the record by the Standing Committee of the National People's Congress in accordance with law, shall the amendments take effect. The Chief Executive of the Hong Kong Special Administrative Region shall submit a report to the Standing Committee of the National People's Congress if there is a need to amend the methods or voting procedures, which shall be decided upon by the Standing Committee of the National People's Congress in accordance with the provisions in Articles 45 and 68 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and on the basis of the actual situation in the Hong Kong Special Administrative Region and the principle of gradual and orderly progress. Bills and draft amendments regarding the revision of the methods for selecting the Chief Executive and forming the Legislative Council, as well as of the procedures for voting on bills and motions in the Legislative Council, shall be proposed to the Legislative Council by the Hong Kong Special Administrative Regional Government.

IV. If there is no amendment to the method for selecting the Chief Executive and the method of forming the Legislative Council, as well as the procedures for voting on bills and motions in the Council, as defined in the above two annexes, the method for selecting the Chief Executive shall follow the provisions on the method of selecting the Chief Executive in Annex I; the method of forming the Legislative Council and the procedures for voting on bills and motions shall follow the provisions on the method for forming the Third Legislative Council and on procedures for voting on bills and motions in Annex II.

The Interpretations are hereby published.

Source: Xinhua

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