

現刊登以下解釋，以廣週知——

全國人民代表大會常務委員會
關於《中華人民共和國香港特別行政區基本法》
附件一第七條和附件二第三條的解釋

(2004 年 4 月 6 日第十屆全國人民代表大會
常務委員會第八次會議通過)

第十屆全國人民代表大會常務委員會第八次會議審議了委員長會議關於提請審議《全國人民代表大會常務委員會關於〈中華人民共和國香港特別行政區基本法〉附件一第七條和附件二第三條的解釋(草案)》的議案。經徵詢全國人民代表大會常務委員會香港特別行政區基本法委員會的意見，全國人民代表大會常務委員會決定，根據《中華人民共和國憲法》第六十七條第四項和《中華人民共和國香港特別行政區基本法》第一百五十八條第一款的規定，對《中華人民共和國香港特別行政區基本法》附件一《香港特別行政區行政長官的產生辦法》第七條“二〇〇七年以後各任行政長官的產生辦法如需修改，須經立法會全體議員三分之二多數通過，行政長官同意，並報全國人民代表大會常務委員會批准”的規定和附件二《香港特別行政區立法會的產生辦法和表決程序》第三條“二〇〇七年以後香港特別行政區立法會的產生辦法和法案、議案的表決程序，如需對本附件的規定進行修改，須經立法會全體議員三分之二多數通過，行政長官同意，並報全國人民代表大會常務委員會備案”的規定，作如下解釋：

L.N. 54 of 2004

This is an English translation of the original instrument in Chinese, and is published for information—

THE INTERPRETATION BY THE STANDING COMMITTEE
OF THE NATIONAL PEOPLE'S CONGRESS OF
ARTICLE 7 OF ANNEX I AND ARTICLE III OF ANNEX II
TO THE BASIC LAW OF THE HONG KONG
SPECIAL ADMINISTRATIVE REGION OF
THE PEOPLE'S REPUBLIC OF CHINA

(Adopted by the Standing Committee of the Tenth National People's
Congress at its Eighth Session on 6 April 2004)

The Standing Committee of the Tenth National People's Congress examined at its Eighth Session the motion regarding the request for examination of “The Draft Interpretation of Article 7 of Annex I and Article III of Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China” submitted by the Council of Chairmen. Having consulted the Committee for the Basic Law of the Hong Kong Special Administrative Region under the Standing Committee of the National People's Congress, the Standing Committee of the National People's Congress has decided to make, under the provisions of Article 67(4) of the Constitution of the People's Republic of China and Article 158(1) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, an interpretation of the provisions of Article 7 of Annex I “Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region” to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China regarding “If there is a need to amend the method for selecting the Chief Executives for the 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 the provisions of Article III of Annex II “Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and Its Voting Procedures” regarding “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” as follows:

一、上述兩個附件中規定的“二〇〇七年以後”，含二〇〇七年。

二、上述兩個附件中規定的二〇〇七年以後各任行政長官的產生辦法、立法會的產生辦法和法案、議案的表決程序“如需”修改，是指可以進行修改，也可以不進行修改。

三、上述兩個附件中規定的須經立法會全體議員三分之二多數通過，行政長官同意，並報全國人民代表大會常務委員會批准或者備案，是指行政長官的產生辦法和立法會的產生辦法及立法會法案、議案的表決程序修改時必經的法律程序。只有經過上述程序，包括最後全國人民代表大會常務委員會依法批准或者備案，該修改方可生效。是否需要進行修改，香港特別行政區行政長官應向全國人民代表大會常務委員會提出報告，由全國人民代表大會常務委員會依照《中華人民共和國香港特別行政區基本法》第四十五條和第六十八條規定，根據香港特別行政區的實際情況和循序漸進的原則確定。修改行政長官產生辦法和立法會產生辦法及立法會法案、議案表決程序的法案及其修正案，應由香港特別行政區政府向立法會提出。

四、上述兩個附件中規定的行政長官的產生辦法、立法會的產生辦法和法案、議案的表決程序如果不作修改，行政長官的產生辦法仍適用附件一關於行政長官產生辦法的規定；立法會的產生辦法和法案、議案的表決程序仍適用附件二關於第三屆立法會產生辦法的規定和附件二關於法案、議案的表決程序的規定。

現予公告。

1. The phrases “subsequent to the year 2007” and “after 2007” stipulated in the two above-mentioned Annexes include the year 2007.

2. The provisions in the two above-mentioned Annexes that “if there is a need” to amend the method for selecting the Chief Executives for the terms subsequent to the year 2007 or the method for forming the Legislative Council and its procedures for voting on bills and motions after 2007 mean they may be amended or remain unamended.

3. The provisions in the two above-mentioned Annexes that any amendment 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 shall be reported to the Standing Committee of the National People's Congress for approval or for the record mean the requisite legislative process through which the method for selecting the Chief Executive and the method for forming the Legislative Council and its procedures for voting on bills and motions are amended. Such an amendment may take effect only if it has gone through the said process, including the approval or recording ultimately given or made by the Standing Committee of the National People's Congress in accordance with law. The Chief Executive of the Hong Kong Special Administrative Region shall make a report to the Standing Committee of the National People's Congress as regards whether there is a need to make an amendment; and the Standing Committee of the National People's Congress shall, in accordance with the provisions of Articles 45 and 68 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, make a determination in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The bills on the amendments to the method for selecting the Chief Executive and the method for forming the Legislative Council and its procedures for voting on bills and motions and the proposed amendments to such bills shall be introduced by the Government of the Hong Kong Special Administrative Region into the Legislative Council.

4. If no amendment is made to the method for selecting the Chief Executive, the method for forming the Legislative Council and its procedures for voting on bills and motions as stipulated in the two above-mentioned Annexes, the provisions relating to the method for selecting the Chief Executive in Annex I will still be applicable to the method for selecting the Chief Executive, and the provisions relating to the method for forming the third term of the Legislative Council in Annex II and the provisions relating to its procedures for voting on bills and motions in Annex II will still be applicable to the method for forming the Legislative Council and its procedures for voting on bills and motions.

This Interpretation is hereby proclaimed.