

*(By fax and by post)*

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25 April 2005

Secretary for Constitutional Affairs  
(Attn : Mr Raymond TAM)  
Constitutional Affairs Bureau  
3rd floor Main and East Wings  
Central Government Offices  
Hong Kong

Dear Mr TAM,

**Bills Committee on Chief Executive Election (Amendment)  
(Term of Office of the Chief Executive) Bill**

**Follow up to meeting on 25 April 2005**

At this morning's meeting, the Administration was requested to provide a written response on the following issues raised by members –

- (a) With reference to the Administration's reply in paragraphs 9 – 11 of LC Paper No. CB(2)1331/04-05(01), as opposed to giving an assessment of whether the proper meaning of "term" in BL 50 would be in issue during the period 2002 to 2007, and giving a factual account of what the Acting CE had done in relation to Executive Council Members appointed by the CE who had resigned, Hon Audrey EU requested the Administration to respond specifically to the original issues raised from the legal point of view, i.e. to clarify whether the meaning of the word "term" in BL50 and BL55 includes part of a term served by a CE elected to fill a vacancy in the office of CE arising before the expiry of the normal five-year term.
- (b) With reference to the Administration's reply in paragraphs 7 – 9 of LC Paper No. CB(2)1375/04-05(01), Hon LEE Wing-tat requested the Administration to give a specific view on whether the term of office of the current Election Committee could be extended when its term expires on 13 July 2005, and to explain in specific terms the actions that it would take in accordance with the Basic Law and the Chief Executive Election Ordinance as suggested in paragraph 9 of that reply.

- (c) With reference to the Administration's comments on the article provided by Hon Margaret NG (paragraph 11 of LC Paper No. CB(201375/04-05(01))), the Member requested the Administration to provide its comments on another article entitled "Closing Chapter in the Immigrant Children Saga : Substantive Legitimate Expectations and Administrative Justice in Hong Kong" published by Christopher Forsyth and Rebecca Williams in Asia Pacific Law Review Volume I. (2002). The article was written as a sequel to the one the Administration had commented on.

I should be grateful if you would let me have your bilingual response (with soft copy via e-mail [ftsang@legco.gov.hk](mailto:ftsang@legco.gov.hk)) before the next meeting to be held at 8:30 am on 28 April 2005.

After the meeting, the Chairman requested that the Administration should provide to the Bills Committee a copy of the text of the interpretation given by the Standing Committee of the National People's Congress, as soon as it is available to the Administration.

You may also wish to note that at this morning's meeting, members also agreed to schedule a meeting **from 8:30 am to 12:45 pm on 29 April 2005** to continue discussion on the Bill.

Please let me have the Administration's bilingual attendance list for the two meetings **as soon as possible**.

With best regards,

Yours sincerely,

( Mrs Percy MA )  
Clerk to Bills Committee