

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

Follow up to meeting on 28 April 2005

(a) Consistency with the interpretation made by the Standing Committee of the National People's Congress on 27 April 2005

1. As set out in the Bill's long title, the purpose of the Bill is to provide that the term of office of a Chief Executive who fills a vacancy in the office of the Chief Executive that arises otherwise than due to expiry of term of office shall last until such expiry. Clause 2 of the Bill gives effect to this purpose.
2. The interpretation made by the Standing Committee of the National People's Congress ("NPCSC") on 27 April 2005 stipulates that "when the Chief Executive is selected by the Election Committee with a five-year term of office, in the event that the office of the Chief Executive becomes vacant as he (she) fails to serve the full term of office of five years as prescribed by Article 46 of the Basic Law, the term of office of the new Chief Executive shall be the remainder of the previous Chief Executive".
3. Therefore, the Bill is fully consistent with the interpretation made by NPCSC on 27 April 2005.

(b) Possible amendments to Annex I to the Basic Law

4. As explained above, the Bill is fully consistent with the NPCSC interpretation made on 27 April 2005.
5. According to the interpretation, the "remainder term" requirement will continue to be in effect unless and until amendments are made to the method for selecting the Chief Executive specified in Annex I to the Basic Law. This is also consistent with paragraph 4 of the interpretation made by the NPCSC on 6 April 2004, which stipulates that "[I]f no amendment is made to the method for selecting the Chief Executive, ... the provisions relating to the method for selecting the Chief Executive specified in Annex I will still be applicable to the method for selecting the Chief Executive ...".

6. In the context of the ongoing review of the method for selecting the Chief Executive in 2007, we will consider whether and how the method should be amended, taking into account the views of the community. This is an important issue which requires further discussion in the community in the months ahead. When processing the Bill now, one cannot assume that there will necessarily be amendments to Annex I to the Basic Law, or assume that the current system of having an Election Committee with a five-year term of office will necessarily be replaced.