

**Questions to be referred to the Subcommittee to Study the
Administration's Proposals for the Methods for Selecting the Chief
Executive in 2007 and for Forming the Legislative Council in 2008
for reply by the Administration**

- (a) What are the constitutional and legal justifications for submitting the proposals concerning amendments to the method for the selection of the Chief Executive and the method for the formation of the Legislative Council for the Council's endorsement by way of motions, instead of bills, as indicated in paragraph 7.02 and Annexes B and C of the Fifth Report of the Constitutional Development Task Force, in the light of clause 3 of 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 which states: "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"?
- (b) In relation to the proposed amendment to the method for selecting the Chief Executive pursuant to Article 7 of Annex I to the Basic Law, would the requirement of "endorsement of a two-thirds majority of all the members of the Legislative Council" apply to the enactment of local legislation as such legislation would, on the face of it, constitute part and parcel of the method for selecting the Chief Executive as provided by law?
- (c) Assuming that it would be legally in order to use motion as the procedural vehicle for members of the Legislative Council to express their preference on the proposed amendment to the method for the formation of the Legislative Council as indicated in the draft motion in Annex C to the Fifth Report of the Constitutional Development Task Force ("draft motion"), and in the light of the specific provision in Article 3 of Annex II to the Basic Law which makes reference to "amend the provisions of this Annex" (as opposed to amending the method as provided in Article 7 of Annex I), why is the draft motion not expressed in such a way that the motion, if passed, would have the effect of amending the provisions in Annex II to the Basic Law by way of repealing relevant provisions of or adding new provisions to the Annex?

- (d) According to Article III of Annex II of the Basic Law, the two-thirds majority requirement relates to amendment of the provisions of the Annex. Since the amendment as proposed in the draft motion does not relate to any of the provisions of Annex II, does it not mean that Annex II does not require any amendment?
- (e) Do the draft motions concerning the methods for selecting the Chief Executive and for forming the Legislative Council possibly fall under the category of “important bill” referred to in Article 50 of the Basic Law?
- (f) Would it be in order for the draft motions to have the words: “is hereby endorsed by this Council by a two-thirds majority of all Members” when in reality it would not be possible for any of the Members who are voting in support of the motion to know the voting result before it is declared by the President in accordance with the Rules of Procedure?