
INFORMATION NOTE

Interpretation of the Basic Law under Article 158(1)

1. Background

1.1 According to Article 158 of the Basic Law, the power of interpretation of the Basic Law is vested in the Standing Committee of the National People's Congress ("NPCSC"). Such power is also derived from Article 67(4) of the *Constitution of the People's Republic of China*, which empowers NPCSC to interpret statutes. Since the reunification in 1997, NPCSC has interpreted the provisions of the Basic Law in four instances. The first three were initiated by either the Chief Executive of the Hong Kong Special Administrative Region ("HKSAR") or NPCSC itself in exercise of the power stipulated in Article 158(1)¹, while the fourth one was initiated by the Court of Final Appeal ("CFA") in accordance with Article 158(3)². This information note highlights the first three NPCSC interpretations and summarizes the past deliberations on these interpretations at the Legislative Council.

2. The first three interpretations by the Standing Committee of the National People's Congress

Interpretation of the right of abode issue in 1999

2.1 The ruling of CFA on the issue of right of abode on 29 January 1999³ had given rise to the concern in some quarters that there would be an influx of Mainland people to Hong Kong. The HKSAR Government considered that CFA's interpretation of the relevant provisions of the Basic Law was not consistent with the legislative intent.

¹ Article 158(1) provides that the power of interpretation of the Basic Law shall be vested in NPCSC.

² Article 158(3) provides that the courts of HKSAR may also interpret other provisions of the Basic Law in adjudicating cases. However, if the courts need to interpret the provisions concerning affairs which are the responsibility of the Central People's Government, or concerning the relationship between the Central Authorities and HKSAR, and if such interpretation will affect the judgments on the cases, the courts shall, before making their final judgments which are not appealable, seek an interpretation of the relevant provisions from NPCSC through CFA.

³ CFA ruled that the children of persons with the right of abode in Hong Kong also have the right of abode, irrespective of whether their parents were permanent residents at the time of their birth.

2.2 On 18 May 1999, the Chief Executive reported to the State Council the problems he had encountered in the implementation of the Basic Law and sought for its assistance to seek an interpretation from NPCSC on the legislative intent of Articles 22(4)⁴ and 24(2)(3)⁵. At the special meeting of the House Committee held on the same day, the Chief Secretary for Administration and the Secretary for Justice explained to members the circumstances in which the request for interpretation had been made.

2.3 On 26 June 1999, NPCSC issued its interpretation which stated that children born outside Hong Kong would be eligible for the right of abode only if at least one of their parents had already acquired permanent residence status at the time of their birth. Moreover, those eligible for the right of abode need to apply for the necessary approval from the relevant Mainland authorities before their entry into Hong Kong.

Interpretation of the universal suffrage issue in 2004

2.4 On 7 January 2004, the Chief Executive announced in his Policy Address the establishment of the Constitutional Development Task Force ("Task Force") led by the Chief Secretary for Administration. The Task Force was entrusted with examining in depth the relevant issues of principle and legislative process in the Basic Law relating to constitutional development, consulting the relevant departments of the Central Authorities, and gathering the views of the public on the relevant issues.

⁴ According to Article 22(4), "[f]or entry into the Hong Kong Special Administrative Region, people from other parts of China must apply for approval. Among them, the number of persons who enter the Region for the purpose of settlement shall be determined by the competent authorities of the Central People's Government after consulting the government of the Region".

⁵ Article 24(2)(3) of the Basic Law confers the status of permanent resident and the right of abode on persons of Chinese nationality born outside Hong Kong of those permanent residents who are Chinese citizens born in Hong Kong, or have ordinarily resided in Hong Kong for a continuous period of not less than seven years, before or after the establishment of HKSAR.

2.5 On 26 March 2004, the HKSAR Government was notified formally by the Central Authorities that interpretation of Article 7 of Annex I⁶ and Article III of Annex II⁷ to the Basic Law would be considered at the meeting of NPCSC between 2 April and 6 April 2004. On 30 March 2004, the Task Force published its First Report on constitutional development. At the special meeting of the Panel on Constitutional Affairs held on 31 March 2004, the Chief Secretary for Administration briefed members on the First Report and the meeting of the Task Force with the representatives of NPCSC on 30 March 2004.

2.6 On 6 April 2004, NPCSC made an interpretation of Article 7 of Annex I and Article III of Annex II to the Basic Law. The interpretation stated that the Chief Executive shall make a report to NPCSC as regards whether there is a need to amend the method for selecting the Chief Executive and the method for forming the Legislative Council ("two methods"), and NPCSC shall make a determination in the light of the actual situation in HKSAR and in accordance with the principle of gradual and orderly progress.

2.7 On 15 April 2004, the Task Force published its Second Report which recommended the Chief Executive to submit a report to NPCSC recommending that the two methods be amended and requesting NPCSC to make a determination to that effect. On the same day, the Chief Executive submitted a report to NPCSC. At the special meeting of the Panel on Constitutional Affairs held on 16 April 2004, the Chief Secretary for Administration briefed members on the Chief Executive's report and the Task Force's Second Report. NPCSC examined the Chief Executive's report, and adopted a decision on 26 April 2004 to rule out the election of the Chief Executive and all Members of the Legislative Council by universal suffrage in 2007 and 2008 respectively in Hong Kong.

⁶ According to Article 7 of Annex I, "[i]f 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."

⁷ According to Article III of Annex II, "[w]ith 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."

Interpretation of the term of office of the new Chief Executive in 2005

2.8 On 10 March 2005, Mr Tung Chee-hwa tendered to the Central People's Government his resignation from the office of Chief Executive. On 12 March 2005, a press conference was held by the Acting Chief Executive to announce the approval of Mr Tung's resignation. The Acting Chief Executive also announced that the election of a new Chief Executive would be conducted on 10 July 2005.

2.9 At the Council meeting of 6 April 2005, the Chief Secretary for Administration gave a statement concerning the term of office of the new Chief Executive. The Chief Secretary advised Members that the HKSAR Government had decided to submit a report to the State Council, proposing the State Council make a request to NPCSC to interpret, at their meeting to be held at the end of April 2005, Article 53 of the Basic Law⁸ concerning the term of office of the new Chief Executive. The said report was submitted to the State Council on the same day. The Chief Executive Election (Amendment) (Term of Office of the Chief Executive) Bill⁹ was also introduced into the Legislative Council on that day.

2.10 On 27 April 2005, NPCSC made an interpretation of Article 53(2) of the Basic Law. According to the interpretation, a new Chief Executive selected in accordance with Article 53(2) shall serve the remainder term of the preceding Chief Executive. The Chief Executive Election (Amendment) (Term of Office of the Chief Executive) Bill was passed by the Legislative Council on 25 May 2005.

⁸ Article 53 of the Basic Law stipulates that, in the event that the office of the Chief Executive becomes vacant, a new Chief Executive shall be selected within six months in accordance with the provisions of Article 45 of the Basic Law.

⁹ The purpose of the Bill was to add new section 3(1A) to the *Chief Executive Election Ordinance* to provide that a Chief Executive who filled a vacancy that arose should serve the remainder of the term of his or her predecessor.

3. Deliberations at the Legislative Council and Members' concerns

3.1 The three afore-mentioned NPCSC interpretations had been discussed by Members on a number of occasions, including meetings of the House Committee, the Panel on Administration of Justice and Legal Services, the Panel on Constitutional Affairs, the Panel on Home Affairs, the Bills Committee on Chief Executive Election (Amendment) (Term of Office of the Chief Executive) Bill and Council meetings. Lists of relevant council questions and motion debates are in **Appendices I and II** respectively.

3.2 In addition to the subject matters of the interpretations, seeking interpretation from NPCSC *per se* was also an issue. Members' concerns relating to the interpretation of the Basic Law are summarized in the ensuing paragraphs.

Legal basis for the Chief Executive to request for interpretation of the Basic Law

3.3 Some Members considered that the Government had not followed the proper procedure for seeking an NPCSC interpretation. They pointed out that there was a provision in Article 158(3) explicitly providing for the courts of HKSAR to request for an interpretation from NPCSC, but Article 158 had made no provision for the Chief Executive to make such a request. They expressed concern whether the Chief Executive had unfettered power to request NPCSC to give an interpretation of the provisions of the Basic Law.

3.4 The Administration explained that Article 43 of the Basic Law provided that the Chief Executive shall be the head of HKSAR and shall represent HKSAR, and Article 48(2) provided that the Chief Executive shall be responsible for the implementation of the Basic Law. These constitutional powers and functions imposed the duty on the Chief Executive to make a report to the Central People's Government in the event of meeting difficulties in the course of exercising such powers and functions. This was notwithstanding the lack of any provisions in the Basic Law explicitly empowering the Chief Executive to request the State Council to seek an NPCSC interpretation. The Administration therefore considered that the whole process was conducted in accordance with the *Constitution of the People's Republic of China* and the Basic Law.

3.5 While some Members agreed that the Chief Executive's request for interpretation was both constitutional and lawful, there were others who still opined that it was not clear that Articles 43 and 48(2) taken together provided the legal basis for the Chief Executive to approach the State Council for an interpretation by NPCSC. They doubted whether the Chief Executive had such power. The Administration responded that the Government did not have the power to require NPCSC to interpret, nor did it have the power to decide on the extent of the interpretation and how to interpret. It only considered that the CFA ruling on the right of abode case had contradicted the legislative intent of the relevant provisions, and made a request to seek an interpretation to the State Council as a result. It advised that any person could write to the State Council requesting an NPCSC interpretation, but whether the State Council would entertain the request was another matter.

3.6 The Administration further explained that NPCSC could interpret the Basic Law not only upon the request of the courts. Apart from the circumstances provided for in Article 158(3), an interpretation could be made other than in the course of legal proceedings. In *Lau Kong Yung v Director of Immigration*¹⁰, CFA had pointed out that the power of NPCSC to interpret the Basic Law conferred by Article 158(1) was "in general and unqualified terms".

¹⁰ *Lau Kong Yung v Director of Immigration* was a 1999 right of abode case in CFA. It was the first case in which CFA had to take into account an NPCSC interpretation in applying the Basic Law. Lau Kong Yung and the other 16 plaintiffs of the case were Mainland-born children of Hong Kong permanent residents and on that basis claimed to be entitled to the right of abode. The Director of Immigration made removal orders against them on the grounds that they had arrived in Hong Kong on two-way permits. The 17 mainlanders challenged their removal on the grounds that they had qualified for the right of abode as interpreted by CFA. They sued the Director of Immigration in the Court of First Instance to quash the removal orders. The Court of First Instance ruled for the Director of Immigration on 30 March 1999. The plaintiffs appealed to the Court of Appeal. Before NPCSC issued its interpretation of Articles 22(4) and 24(2)(3) on 26 June 1999, the Court of Appeal overturned the ruling of the Court of First Instance on 11 June 1999. The Director of Immigration then appealed the decision of the Court of Appeal to CFA. CFA ruled that Lau and the other 16 plaintiffs were not entitled to the right of abode in Hong Kong. Besides, it ruled that NPCSC's exercise of interpretation power was not dependent upon referral by the courts.

Assurance for not seeking the interpretation from the Standing Committee of the National People's Congress in the future

3.7 As the Basic Law did not explicitly empower the Chief Executive to request for interpretation and the legal basis was thus arguable, Members maintained that the Government should not arbitrarily request NPCSC to exercise its powers to interpret the Basic Law. At the meeting of the Panel on Administration of Justice and Legal Services held on 18 April 2000, some members demanded that the Government should give an unequivocal assurance that it would not seek an interpretation from NPCSC again in order to restore confidence in Hong Kong's legal system. The Administration declined to do so. In a letter dated 5 May 2000, the Chairman of the Panel informed the Secretary for Justice that some Panel members demanded the Government to give an unequivocal assurance and that a similar demand had been made by the Bar Association¹¹. The Chairman requested a full explanation of the reasons why the Government refused to give such an assurance.

3.8 According to the Administration, it firmly believed that the request for an NPCSC interpretation was lawful and constitutional. The submission of the report to the State Council for an NPCSC interpretation of the Basic Law was in accordance with the Chief Executive's constitutional duties under Articles 43 and 48(2). Moreover, CFA in its judgment handed down in December 1999 in *Lau Kong Yung case* had made no adverse comments on the request for NPCSC interpretation.

3.9 The Administration reiterated that it was impossible for the Government to guarantee that it would not request NPCSC to interpret certain provisions of the Basic Law again, as one could not foresee what would happen in the future. It could only state that an interpretation would only be sought in highly exceptional circumstances and when it was considered to be imperative in the public interest to do so.

¹¹ The Bar Association demanded that the Government undertake not to seek an interpretation from NPCSC except through judicial referral under Article 158(3).

3.10 During the Question and Answer Session at the Council meeting of 28 April 2005, a Member asked the Acting Chief Executive whether the Government could exercise restraint by not asking NPCSC for interpretation. The Acting Chief Executive maintained that it might be improper and inappropriate if regulating the process of seeking interpretation of the Basic Law with rigid requirements. Nonetheless, the Government would act with sufficient restraint. He pledged that with regard to seeking interpretation from NPCSC, the Government would act in a manner as prudent, responsible and transparent as possible, and would act only if it was necessary and only if such urgency arose.

Impacts of the interpretations by the Standing Committee of the National People's Congress on legal proceedings

3.11 Some Members doubted whether it was appropriate for the Government to seek an interpretation from NPCSC after CFA had already adjudicated on the right of abode case. They considered that the Chief Executive's decision to seek an interpretation after CFA had delivered its judgment was tantamount to seeking to overturn the CFA judgment. They worried that such an action would undermine CFA's power of final adjudication.

3.12 According to the Administration, it was a misconception that the Government as a losing party to proceedings before CFA could ask NPCSC to overrule the decision of CFA. The NPCSC interpretation given in June 1999 did not undo the CFA judgment made in January 1999 on the right of abode case. The CFA judgment in favour of certain persons remained unchanged despite the interpretation. It was only that the courts would be bound by the interpretation in adjudicating future cases.

3.13 The Administration also reiterated that the Chief Executive would seek an NPCSC interpretation only in the most exceptional circumstances and that the Chief Executive would not approach the State Council to request an interpretation from NPCSC every time the Government lost in CFA. It accepted that interpretation should only be used as a last resort in view of the undesirable side to the interpretation. Furthermore, the Administration maintained that the Chief Executive in theory could request an interpretation any time, but this did not mean that the Chief Executive would do it frequently or would do it lightly.

3.14 As to the NPCSC interpretation on the term of office of the new Chief Executive, some Members asked whether the interpretation was an attempt by the Government to prevent the public from seeking judicial review. They opined that as an application had already been made for judicial review, the Government should simply allow the dispute to be settled by the court, rather than seeking an interpretation that would interfere with the judicial proceedings. The Administration explained that although an interpretation was sought, it could not prevent anyone from petitioning the courts for judicial review. In view of the pressing schedule, if NPCSC gave a binding interpretation, no matter when an application for judicial review was made, the issue could be settled quickly.

Judicial independence and the rule of law

3.15 Some Members were of the view that under Article 158(2), NPCSC had authorized the courts of HKSAR to interpret on their own, in adjudicating cases, the provisions of the Basic Law which were within the limits of the autonomy of HKSAR. In addition, under the common law system being practised in Hong Kong, the power to interpret laws was vested in the courts. They were concerned that the Chief Executive's request for the State Council to seek an interpretation of the Basic Law by NPCSC would undermine judicial independence and the rule of law in Hong Kong.

3.16 The Administration explained that the power of NPCSC to interpret the Basic Law was part of Hong Kong's constitutional system. Such power originated from Article 67(4) of the *Constitution of the People's Republic of China* and Article 158(1) of the Basic Law. The power of interpretation conferred by Article 158(1) was in general and unqualified terms, and its exercise was not restricted or qualified in any way by Articles 158(2) and 158(3). NPCSC's exercise of power to interpret the Basic Law therefore did not and would not compromise the independence of the judiciary or the rule of law in Hong Kong. Some other Members expressed agreement with the Administration's explanation.

3.17 The Administration further explained that there was a difference between CFA's power of final adjudication and NPCSC's power of final interpretation. The power of final adjudication was vested with the courts in Hong Kong so that all cases should be concluded in Hong Kong. The Central Authorities also authorized the courts in Hong Kong to interpret the Basic Law on their own, but this had not undermined the power of NPCSC to give interpretation. NPCSC's power of interpretation conferred by Article 158(1) was not restricted or qualified in any way by Articles 158(2) and 158(3). As such, any interpretation from NPCSC would not diminish the status of CFA. It would simply reflect the respective roles given to CFA and NPCSC as clearly spelt out in the Basic Law. Hong Kong did not have the power of final interpretation, so its power was not there to be taken away.

Seeking interpretation rather than amendment to the Basic Law

3.18 Some Members queried about the legislative intent of Article 24(2)(3) of the Basic Law as maintained by the HKSAR Government¹² and considered that it would be better to amend the Basic Law under Article 159 rather than to seek an interpretation in dealing with the right of abode case. Similarly, some Members believed that the only option to deal with the controversy on the term of office of the new Chief Executive was to amend the Basic Law. They considered that any amendment to local legislation to provide for a term of office other than that of five years would be inconsistent with Articles 11 and 46 of the Basic Law.

¹² The legislative intent as maintained by the HKSAR Government was that "persons of Chinese nationality born outside Hong Kong of those residents listed in categories (1) and (2)" as provided for in Article 24(2)(3) referred to persons whose both parents or either of one of their parents had fulfilled the condition prescribed by categories (1) or (2) of Article 24(2) at the time of their birth, meaning that such persons' parents should be permanent residents of Hong Kong at the time of their birth. This legislative intent was reached from the documents of the Sino-British Joint Liaison Group and the Preparatory Committee for HKSAR issued in the 1990s after the adoption of the Basic Law in April 1990.

3.19 The Administration stressed the need for the NPCSC interpretations to address the urgency for dealing with the right of abode case and the election of the second-term Chief Executive to fill the vacant office. Under Article 159, before submitting a bill to the National People's Congress ("NPC") for amendment to the Basic Law, the consent of two-thirds of the NPC deputies of HKSAR, two-thirds of all the Legislative Council Members and the Chief Executive should be obtained. Moreover, the meeting of NPC would only be held annually. In contrast, no prior consent would be needed for seeking interpretation and NPCSC would hold its meeting bi-monthly. As such, the Administration did not have to wait long if it opted for seeking interpretation from NPCSC.

3.20 The Administration also advised that constitutional document should not be amended lightly. It would take time to see how the Basic Law work before the Administration would proceed with amendment. If it was absolutely necessary, the Administration would proceed with amendment.

3.21 Some Members held the view that the 2004 interpretation was like amending the Basic Law as it set out two additional conditions for amending the methods for selecting the Chief Executive and forming the Legislative Council¹³. These two conditions were not found in the Annexes to the Basic Law, and the 2004 interpretation could be considered as an amendment to the Basic Law in practice.

Due process

3.22 For the 1999 and 2005 interpretations, the Government announced its intention of seeking interpretation from NPCSC only in a very short notice. In addition, there was no mention by NPCSC of the content and the scope before issuing the 2004 interpretation. Hence, there was no way for Hong Kong people to express their opinions, nor was there any consultation. Some Members therefore expressed dissatisfaction that the procedure of the interpretations had ignored the need for a due process.

¹³ See paragraph 2.6 for details.

3.23 For the 1999 interpretation on the right of abode case, the Administration maintained that the reports submitted by the Chief Executive had already reflected the views of Hong Kong people. A total of 19 volumes of public views on the right of abode issue, together with the Chief Executive's report, were submitted to the State Council. Likewise, before the 2004 interpretation on the universal suffrage, the Task Force on constitutional development had met the representatives of NPCSC to reflect the views of the Hong Kong community. NPCSC attached great importance to the Task Force's First Report before it gave its interpretation on the provisions of the Basic Law. Moreover, in submitting the report to the State Council concerning the request to NPCSC for an interpretation in 2005, the Acting Chief Executive had also submitted the views received from different sectors of the community on the term of office of the new Chief Executive.

Establishing a formal mechanism to govern the Chief Executive in seeking interpretation of the Basic Law

3.24 Members had diverse views as to how and when the Chief Executive should seek NPCSC interpretation of the Basic Law in the future. Some Members considered that it was the Chief Executive's constitutional duty to report to the State Council the problems he had encountered in the implementation of the Basic Law and, where necessary, to request assistance from the State Council. No restriction should therefore be imposed.

3.25 Some other Members, however, considered that while it was lawful and constitutional for the Chief Executive to make the request for the NPCSC interpretation, it would be desirable that some formal mechanism should be established to set out the circumstances under which the Chief Executive could make such a request in the future. There were other Members who voiced objection to the Chief Executive's decision, but took the view that since the request had set a precedent, it would be necessary to establish a formal mechanism to regulate the Chief Executive's power in submitting requests in future. They suggested that there should be some formal mechanism or convention that would (a) impose constraints on the Administration and prevent abuse of the interpretation process, and (b) set out how consultation with the relevant bodies such as the Legislative Council would be conducted.

3.26 There were also some Members who were of the view that any discussion on the need to set up a formal mechanism would simply legalize or rationalize the Chief Executive's requests. They thus considered that they should not discuss the subject matter at all.

3.27 According to the Administration, there were complex issues involved in putting in place a set of procedures to be followed in seeking an NPCSC interpretation. The Administration noted the views and suggestions made, but reiterated that it would need to consider these issues carefully and could not make any commitment at the moment.

Prepared by Yuki HUEN
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Tel: 3919 3638

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Appendix I

List of questions raised by Members at Council meetings relating to the interpretation of the Basic Law

1. At the Council meeting of 2 June 1999, Hon Yeung Sum asked the Government to identify the articles in the Basic Law in which the legislative intent and objectives were not expressly stated. He also asked whether the Government was referring only to the legislative intent and objectives of the Basic Law Drafting Committee. In reply, the Secretary for Justice considered that it was not practicable to give a list of such articles. Since the Basic Law was adopted by NPC, the task of interpretation would involve ascertaining the true legislative intent of NPC itself, not of other bodies.

2. At the Council meeting of 8 March 2000, Hon Emily Lau asked a question on the publication of the views of the Committee for the Basic Law. In reply, the Secretary for Justice advised that NPCSC had not made it public. However, the Administration was pursuing the matter with the Central Authorities to see if the opinion would be made public.

3. At the Council meeting of 2 June 2004, Hon Martin Lee asked a question on the interpretation by NPCSC of Article 7 of Annex I and Article III of Annex II to the Basic Law and its decision on issues relating to the two methods. In reply, the Secretary for Constitutional Affairs maintained that before making its interpretation and decision, NPCSC had considered fully the first and second reports of the Task Force. These two reports reflected fully the different views expressed by various sectors of the Hong Kong community to the Task Force. Furthermore, NPCSC's Deputy Secretary-General Qiao Xiaoyang and others had met with representatives of the Hong Kong community in Shenzhen to listen to their views in person.

4. At the Council meeting of 4 May 2005, Hon Frederick Fung asked a question on the interpretation and implementation of the provisions of the Basic Law. In reply, the Secretary for Justice advised that the Basic Law could only set out the broad principles, leaving details to be implemented through local laws. It was not possible to scrutinize the Basic Law clause by clause and seek the opinions of Mainland experts on abstract issues.

Appendix II

List of motion debates relating to the interpretation of the Basic Law

1. At the Council meeting of 19 May 1999, the Secretary for Security moved a government motion to support the Chief Executive's decision to request the State Council to approach NPCSC to interpret Article 22(4) and Article 24(2)(3) of the Basic Law. Hon Martin Lee moved a motion to adjourn the debate on the Secretary for Security's motion. The motion on adjournment was negated while the government motion was carried.
2. At the Council meeting of 26 May 1999, Hon Albert Ho moved a motion to object to NPCSC interpreting those articles of the Basic Law relating to the limits of the autonomy of HKSAR. The motion was negated.
3. At the Council meeting of 22 April 2004, Hon Frederick Fung moved a motion to adjourn the Council for the purpose of debating the Report by the Chief Executive to NPCSC on whether there is a need to amend the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008. The motion on adjournment was negated.
4. At the Council meeting of 5 May 2004, Hon Frederick Fung moved a motion to state that the Council did not accept the report submitted by the Chief Executive to NPCSC, and to urge the Chief Executive to consult the Hong Kong people immediately and submit a supplementary report which fully reflects the opinions of the public. The motion was negated.
5. At the Council meeting of 19 May 2004, Hon Albert Ho moved a motion to express regret about and dissatisfaction with the decision of NPCSC to rule out universal suffrage in 2007 and 2008. Hon Leung Yiu-chung moved an amendment to the motion. The original motion and the motion as amended were negated.

Appendix II (cont'd)

List of motion debates relating to the interpretation of the Basic Law

6. At the Council meeting of 6 April 2005, Hon Albert Ho moved a motion to adjourn the Council for the purpose of debating the issue that the Chief Executive's Office would submit to the State Council a Report proposing that NPCSC interpret Article 53 of the Basic Law concerning the term of office of the new Chief Executive. The motion on adjournment was negated.

7. At the Council meeting of 11 May 2005, Hon Leung Kwok Hung moved a motion to express regret that the HKSAR Government had twice requested NPCSC to interpret the provisions of the Basic Law in 1999 and 2005 respectively and to request NPCSC to withdraw its decisions. The motion was negated.

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