

**Letterhead of GOVERNMENT SECRETARIAT**

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18 April 2000

Miss Mary So  
Clerk to LegCo Panel on Home Affairs  
Legislative Council Building  
8 Jackson Road  
Hong Kong

Dear Miss So,

At the meeting of the LegCo Panel on Home Affairs held on 13 March 2000, I undertook to provide Members with a written response on the Administration's interpretation of the provision under BL23 on "the HKSAR shall enact laws on its own .....". I shall be grateful if you would circulate the attached short note on the subject for Members' information.

Yours sincerely,

(Mrs C. Willis)  
for Secretary for Security

c.c. Mr R.C. Allcock Solicitor-General	2869 0720
Mr James O'Neil Deputy Solicitor General (Constitutional)	- " -
Mr Stephen WONG Kai-yi Deputy Solicitor-General (Advisory)	- " -
Miss Eliza YAU Principal Assistant Secretary (Security) E	
Mr Bassanio So Principal Assistant Secretary for Constitutional Affairs (5)	2840 1976

## **Interpretation of** **"the HKSAR shall enact laws on its own"**

The provision of "the Hong Kong Special Administrative Region shall enact laws on its own ....." in Article 23 of the Basic Law means that the relevant laws will be enacted by the legislature in the HKSAR.

2. In respect of major legislative proposals, we always consult the parties likely to be affected, and this approach has proven to be effective. Given that the implementation of Article 23 of the Basic Law involves questions of national sovereignty, unification and territorial integrity, we envisage that we would need to exchange views with relevant departments of the Central People's Government (CPG). We shall undertake extensive public consultation when the tentative legislative proposals on BL23 are ready. We do not consider that BL23 has imposed geographical restrictions on the consultation process. Exchange of views with the CPG will not be tantamount to the CPG enacting laws for the HKSAR.

### **有關「香港特別行政區應自行立法」的詮釋**

《基本法》第 23 條規定「香港特別行政區應自行立法禁止……」是指有關法例由香港特別行政區的立法機關訂立。

2. 我們行之有效的做法，是就我們的主要立法建議，諮詢可能受該法例影響的有關方面的意見。因為落實《基本法》第 23 條的工作牽涉國家主權、統一及領土完整，我們預計須與中央有關部門交換意見。在擬備《基本法》第 23 條的初步立法建議後，我們會進行廣泛公眾諮詢。我們並不認為《基本法》第 23 條的條文對諮詢安排有地域上的限制。與中央人民政府交換意見也絕不等同中央替特區立法。