

**LegCo Panel on Constitutional Affairs
Meeting on 17 March 2008**

Mechanism for Amending the Basic Law

Speaking Points

- On whether there is a need for detailed procedures to be specified for amending the Basic Law, in addition to what has been prescribed under Article 159 of the Basic Law (BL159), the HKSAR Government has discussed the issue with the relevant departments of the Central Authorities in detail. Today, I would like to give Members a clear response.

- First, I would like to reiterate that the consistent position of the Central Authorities and the HKSAR Government is that the Basic Law should not be amended lightly. The main reasons include the following.
 - (1) The Basic Law is the constitutional document which underpins the implementation of the basic policies of “One Country, Two Systems” and “Hong Kong people ruling Hong Kong” of the Central Authorities regarding Hong Kong.
 - (2) BL159 stipulates that no amendment to the Basic Law shall contravene the established basic policies of the People’s Republic of China regarding Hong Kong.

The provisions of the Basic Law and the relevant Annexes realize the basic policies of the Central Authorities regarding Hong Kong. Hence, there is limited room for amendment.

- In accordance with BL159, the power of amendment of the Basic Law shall be vested in the National People’s Congress.

- In the past few years, we have been studying and discussing the relevant issues with the relevant departments of the Central Authorities. Eventually, the conclusion is that the Central Authorities consider that:

- (1) as the constitutional law of the HKSAR, the Basic Law is the legal safeguard for ensuring the implementation of the basic policies of “One Country, Two Systems” and for maintaining the long term prosperity and stability of Hong Kong. Its provisions should be maintained and should not be amended lightly;
- (2) since its enactment, the Basic Law has been implemented smoothly. At this stage, there is no need to amend the Basic Law and hence, there is no need to specify the relevant amendment mechanism.

If Members have any questions, I will be pleased to answer them.

March 2008