

*** The Interpretation by the Standing Committee of the
National People's Congress Regarding Annex I (7) and Annex II (III)
to the Basic Law of the Hong Kong Special
Administrative Region of the People's Republic of China**

(Adopted at the Eighth Meeting of the Standing Committee of the
Tenth National People's Congress on 6 April 2004)

At its 8th Meeting, the Standing Committee of the Tenth National People's Congress examined the motion proposed by the Council of Chairmen requesting examination of the Draft Interpretation by the Standing Committee of the National People's Congress Regarding Annex I (7) and Annex II (III) to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. Having consulted the Committee for the Basic Law of the Hong Kong Special Administrative Region under the Standing Committee of the National People's Congress, the Standing Committee of the National People's Congress has decided, in accordance with the provisions in Subparagraph (4) of Article 67 of the Constitution of the People's Republic of China and the provisions in the first paragraph of Article 158 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, to make the following interpretation of the provisions of Annex I (7) to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, under the Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region, which reads, "If 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", and the provisions of Annex II (III), under the Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and its Voting Procedures, which reads, "With 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” :

1. The phrases “subsequent to the year 2007” and “after 2007” stipulated in the two Annexes mentioned above include the year 2007.

2. The provisions in the two Annexes mentioned above that “if there is a need” to amend the method for selecting the Chief Executives for the terms subsequent to the year 2007 or the method for forming the Legislative Council and its procedures for voting on bills and motions after 2007 mean that they may be amended or remain unamended.

3. The provisions in the two Annexes mentioned above that any amendment 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 shall be reported to the Standing Committee of the National People's Congress for approval or for the record mean the legislative process that must be gone through before the method for selecting the Chief Executive and the method for forming the Legislative Council and its procedures for voting on bills and motions are to be amended. Such an amendment may become effective only if it has gone through the said process, including the approval finally given by the said Committee in accordance with law or the reporting to the Committee for the record. The Chief Executive of the Hong Kong Special Administrative Region shall present a report to the Standing Committee of the National People's Congress as regards whether there is a need to make an amendment, and the Committee shall, in accordance with the provisions in Articles 45 and 68 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, make a determination in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The bills on 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.

4. If no amendment is made to the method for selecting the Chief Executive, the method for forming the Legislative Council and its procedures for voting on bills and motions as stipulated in the two Annexes mentioned above, the provisions relating to the method for selecting the Chief Executive in Annex I will remain applicable to the method for selecting the Chief Executive, and the provisions relating to the method for forming the third term of the Legislative Council in Annex II and the provisions relating to its procedures for voting on bills and motions in Annex II will remain applicable to the method for forming the Legislative Council and its procedures for voting on bills and motions.

This Interpretation is hereby announced.

Note:

- * This English translation text is reproduced from “The Laws of the People’s Republic of China 2004” compiled by the Legislative Affairs Commission of the Standing Committee of the National People’s Congress of the People’s Republic of China. It is for reference only and has no legislative effect.