

**\* Interpretation by the Standing Committee of the National People's Congress Regarding the Second Paragraph in Article 53 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China**

(Adopted at the Fifteenth Meeting of the Standing Committee of the Tenth National People's Congress on 27 April 2005)

At its 15th Meeting, the Standing Committee of the Tenth National People's Congress discussed the State Council's Proposal for Giving an Interpretation to the Second Paragraph in Article 53 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. After consulted its Committee for the Basic Law of the Hong Kong Special Administrative Region, the Standing Committee of the National People's Congress, in accordance with the provisions of the fourth paragraph in Article 67 of the Constitution of the People's Republic of China and the first paragraph in Article 158 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, gives the following interpretation to the provisions of the second paragraph in Article 53 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China:

The second paragraph in Article 53 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China stipulates, "In the event that the office of Chief Executive becomes vacant, a new Chief Executive shall be selected within six months in accordance with the provisions of Article 45 of this Law." The provision that "a new Chief Executive shall be selected within six months in accordance with the provisions of Article 45 of this Law" means that a new Chief Executive shall be selected in accordance with the method of selection provided for under Article 45 of the Basic Law, and that the term of office of the new Chief Executive shall be determined in accordance with the method of selection provided for under Article 45 of the Basic Law.

The third paragraph in Article 45 of the Basic Law of the Hong

Kong Special Administrative Region of the People's Republic of China stipulates, "The specific method for selecting the Chief Executive is prescribed in Annex I 'Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region'." Clause 1 of Annex I stipulates, "The Chief Executive shall be elected by a broadly representative Election Committee in accordance with this Law and appointed by the Central People's Government." Under Clause 2 it is stipulated that, "The term of office of the Election Committee shall be five years." Clause 7 stipulates, "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 the Standing Committee of the National People's Congress for approval." The provisions mentioned above indicate that before the year of 2007, under the arrangement made according to the system whereby the Chief Executive is elected by the Election Committee, the term of office of which is five years, in the event that the office of Chief Executive becomes vacant before the expiration of the five years prescribed in Article 46 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, the term of office of the new Chief Executive shall be the remainder of the term of office of the previous Chief Executive; after 2007, should amendment be made to the above-mentioned method for selecting the Chief Executive, the term of office of the new Chief Executive shall be determined according to the specific method amended for selecting the Chief Executive, in the event that the office of the then Chief Executive becomes vacant.

This Interpretation is hereby announced.

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\* This English translation text is reproduced from "The Laws of the People's Republic of China 2005" 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.