

**Summary of Views by Organizations/Individuals which/who met with the Constitutional Development Task Force**  
**Issues on Principles and Legislative Process in the Basic Law relating to Constitutional Development**

**B. Issues on Legislative Process**

<b>Issues on Legislative Process</b>	<b>Views of Hong Kong Bar Association</b>
<p>B1. What is the most appropriate legislative procedure for amending the methods for selecting the CE and forming the Legislative Council (LegCo) set out in Annexes I and II:</p> <p>(a) amendments to Annexes I and II and local legislation; or</p> <p>(b) local legislation only ?</p>	<ul style="list-style-type: none"> <li>● Amendments to Annexes I and II followed by enactment of local legislation after the new method is approved by the Standing Committee of the People's Congress.</li> </ul>
<p>B2. Do we need to follow the procedures set out in Article 159 of the Basic Law, if we amend the methods for selecting the CE or forming the LegCo as specified in Annexes I and II of the Basic Law?</p>	<ul style="list-style-type: none"> <li>● Amendments to Annexes I and II do not trigger off Article 159 of the Basic Law.</li> </ul>
<p>B3. How should any amendment relating to the methods for selecting the CE and for forming the LegCo be initiated ?</p>	<ul style="list-style-type: none"> <li>● Amendments must be initiated in the HKSAR. To bring about the changes, a LegCo resolution obtaining a two-thirds majority is sufficient. The special counting arrangements set out in section II of Annex II to the Basic Law will not be applicable because it has been separately provided for in paragraph 7 of Annex I and section III of Annex II to the Basic Law that amendments must be made with the endorsement of a two-thirds majority of all the members of LegCo. There is no necessity of having a separate body to decide on whether there is any need for any change before the LegCo could proceed to consider the new</li> </ul>

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	selection method.
B4. Whether the method for formation of the third term LegCo could be used for the fourth term LegCo, if no consensus were reached on whether to amend the method for forming the LegCo after 2007 ?	● The method for formation of the third term may be used in accordance with the legal doctrine of necessity.
B5. Whether the phrase “subsequent to the year 2007” should be understood to include 2007 ?	● The phrase “subsequent to the year 2007” includes 2007.