

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

B. Issues on Legislative Process

Issues on Legislative Process	Views of Hong Kong Human Rights Monitor
<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"> • Basic Law Annex I paragraph 7 reads, “If there is a need to <u>amend the method for selecting the Chief Executives</u>...” That is, there is no need to trigger the mechanism in Basic Law Article 159 nor to amend Annex I. • Basic Law II section III reads, “...if there is a need to <u>amend the provisions of this Annex</u>...” That is, we need to first amend Annex II according to the procedure outlines in Annex II session III, and then amend related local legislation.
<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"> • There is no need to follow the procedures set out in Basic Law Article 159.
<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"> • The first step to trigger the amendment mechanism is a two-third majority in LegCo. Both the Government and members of the LegCo can introduce a motion and initiate the amendment.
<p>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</p>	<ul style="list-style-type: none"> • If there is no consensus or the public finds there is no need to amend the method for forming the LegCo after 2007, the formation method for the third term LegCo

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for forming the LegCo after 2007 ?	simply continues until an amendment is adopted according to the procedure sets out in Annex II.
B5. Whether the phrase “subsequent to the year 2007” should be understood to include 2007 ?	<ul style="list-style-type: none"><li data-bbox="1155 371 2045 663">• The full phrase in Annex I paragraph 7 should read “<u>the terms</u> subsequent to the year 2007”. That is, 2007 refers not to calendar year but the term subsequent to the second term that ends on 30 June 2007. This interpretation is in line with Mr. Ji Peng-fei’s address at the Seventh National People’s Congress on March 28, 1990.