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From:
 Date: 2004/02/23 Mon PM 04:19:25 CST
 To: <views@cab-review.gov.hk>

Subject: B5. 「二〇〇七年以後」應如何理解: 是否包括二〇〇七年

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1. 否, 不包括二〇〇七年.

2. 請讀下抄之學者意見:-

"我國民法通則規定, 民法上所稱的 '以上'、'以下'、'以內'、'?滿', 包括本數在內; 此外, 有關的限定詞還有..... '以後'..... 等, 民法通則未作規定. 對這些用語, 按上述民法規定的精神和它們在實際使用中的大多數情形來看, 我們認為, 除..... '以後' 不包括本數外, 其餘均以包括本數為宜. 例如, 合同規定 2 月 1 日以後履行, 債務人在 2 月 1 日這天即尚無履? 義務;....." ----- 引自 <中國民法學、民法總則> 中國人民公安大學出版社, 1990 年 8 月第 1 版, 1994 年 6 月第 3 次印刷, 第 306 頁.

3. The corresponding wording in the English version of the Basic Law reads: "If there is a need to amend the method for selecting the Chief Executives for the terms subsequent to the year 2007....."

The year 2007 ends at 2400Hour, 31st December, 2007. Only things that happen after this point of time can be said to be subsequent to the year 2007. The first term that comes within this provision of the Basic Law is the term that begins on 1st July, 2012. The term that begins on 1st July, 2007 begins within the year 2007, not subsequent to the year 2007.

Submitted by:

2004 - 2 - 23

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