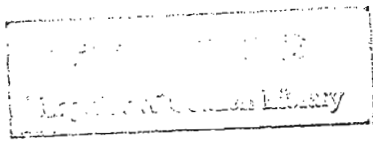


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香港特别行政区基本法
起草委员会第七次全体会议分组
讨论中对《香港特别行政区基本法(草案)
征求意见稿》的意见汇集

中华人民共和国香港特别行政区
基本法起草委员会秘书处

一九八八年五月



DONATION

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〔按语〕《香港特别行政区基本法（草案）征求意见稿》公布前，已吸取了起草委员会第七次全体会议分组讨论中提出的一些比较重要的、并得到大多数委员支持的意见。现将该次讨论中提出的其余意见汇集如下。

一、关于第一章 总 则

1. 第二条

有的委员提出，终审权应该包括在司法权里，而现在的写法似乎将两者等同了起来。

2. 第三条

有的委员对“永久性居民”一词能否概括行政、立法机关成员的当选的必要条件表示怀疑。因为行政长官也是行政机关的成员，但仅仅是“永久性居民”还不完全符合担任这一职务的条件。

3. 第四条

有的委员认为，该条只表述了原有的资本主义制度和生活方式的五十年不变，而未规定特区实行高度自治、享有行政管理权、立法权、独立的司法权和终审权也是五十年不变。联合声明中所讲的五十年不变即指国家对香港有关的政策五十年不变。

4. 第五条

(1) 有的委员认为，“其他人”一词涵义不清，建议改为“非居民”。

(2) 有的委员认为，“其他人”是联合声明的提

法，不改为好。

(3) 有的委员提出，将第五条改为“香港特别行政区居民和其他人的权利和自由均受法律保护。”这样更明确、肯定。

5. 第六条

(1) 有些委员建议改为：“香港特别行政区的法律保护财产所有权，包括财产的取得、使用、处置和继承的权利和依法征用财产得到补偿的权利。征用财产的补偿应相当于该财产的实际价值，可自由兑换，不得无故迟延支付。”

(2) 有的委员提出，应将“所有权”改为“私有财产权”，这样更符合起草的原意。

6. 第十条

(1) 有的委员认为，制度比政策更为重要，建议把“政策和制度”改为“制度和政策”。

(2) 有的委员认为第一款只列举了制度方面的内容，建议删去“政策和”三个字。

(3) 有的委员认为第一、二款讲的不是一个内容，建议把第二款单列一条。

(4) 有的委员指出，香港目前并没有一个“有关保

障居民的基本权利和自由的制度”。

(5) 有的委员认为，中国宪法与基本法的关系写得不清楚，不知道宪法哪些部分适用于香港。

二、关于第二章 中央和香港特别行政区的关系

1. 第二章的体例

(1) 有的委员认为，该章从标题到内容上，都有值得考虑之处。对于“中央和香港特别行政区的关系”这一提法，应倒过来改为香港特区与中央的关系更为恰当，因为中央是最高一级行政机关，基本法要研究、确定的，不是中央与特区的关系，而是特区与中央的关系。如该章第十二条第一款就容易给人一种印象，好象中央只负责管理与香港特区有关的外交事务。所以应改为“与香港特别行政区有关的外交事务，由中央人民政府负责”，把有关条款的主语都改为香港特别行政区，这样与基本法的地位就更相符合。

(2) 有的委员认为，若把香港特区都作为条文主语的话，又容易给人一种感觉，好象中央是在特区之下。

(3) 有的委员提出，这一章里出现了“中央人民政府”、“国务院”、“行政机关”，是否可以在文字上统

一起来。

2.第十三条

有的委员提出，是否应在该条中对驻军的司法管辖权问题作出一些规定，如驻军违法后的审理和服刑地点问题。有的委员则认为这个问题可另行研究，不必在基本法中规定。

3.第十五条

(1) 有的委员建议增写出版、广播两项内容

(2) 有的委员认为写法应从简，以避免在体制上与其他条文不协调和内容上遗漏。

(3) 有的委员建议将“房地产”改为“地产”。

(4) 有的委员建议将“房屋、房地产”改为“房产和地产。”

(5) 有的委员建议将“房屋、房地产”改为“公屋、房地产。”

4.第十六条

(1) 有的委员认为，人大常委会对不符合基本法的法律，发回重议即可，建议删去“或撤销”三个字。

(2) 有的委员认为，撤销不符合基本法的法律是人大常委会的一项权力，应予保留。

(3) 有的委员认为，应由香港特别行政区法院负责审查立法机关制定的法律是否符合基本法。

5. 第十七条

(1) 有的委员建议，将第二款中的“除本条第三款规定者外”一句删去。把第一、二款作为十七条。后三款单列为十八条。

(2) 有些委员认为，如果删去了“除本条第三款规定者外”一句，没有例外的规定，后三款将同第二款相矛盾。建议保留原有写法。

(3) 有的委员认为，“自治范围内的事务”和“属中央政府管理的事务”界定不清楚，并且用词不统一。联合声明里说的“除外交和国防事务属中央人民政府管理外，香港特别行政区享有高度的自治权”没有在征求意见稿里写出来。容许中国内地的法律直接引申来香港，与联合声明规定的香港特别行政区的法源有出入。

(4) 有的委员提出，第三款“凡须在香港特别行政区实施的，由国务院指令香港特别行政区在当地公布或立法实施”中的“公布”可考虑去掉，以更好地体现高度自治；有委员解释，“公布”的法律主要是指一些简单的法律，如“国庆日”的规定等。

(5) 有些委员提出，第十七条最后一款显得生硬，可考虑去掉。

(6) 有的委员提出，在确定特区政府是否遵行国务院指令之前，应有一个期限。但有的委员认为，有些法令很复杂，规定期限不容易。

6. 第十八条

(1) 有些委员认为，第二款中的香港原有法律原则对法院审判权所作的限制，已包括了第三款第一句的内容，建议将“香港特别行政区法院对属于中央人民政府管理的国防、外交事务和中央人民政府的行政行为的案件无管辖权”一句删去。

(2) 有的委员认为，第十八条限制和削减了香港特别行政区法院判案应有的权利。

(3) 有的委员认为，第二款中“所有的案件”提法是不合适的。

7. 第二十条

(1) 有的委员建议将第二款改为，“由香港居民中的中国公民在香港选出香港特别行政区的全国人民代表大会代表，参加最高国家权力机关的工作，其名额和产生办法由全国人民代表大会常务委员会决定。”

(2) 有的委员指出，第一款的说法有些不确切，因为香港是中国的一部分，参与香港事务的管理也是参与国家事务的管理。

8. 第二十一条

(1) 有的委员建议在第二款中“设立机构”前加“新”字，明确不包括九七年前在香港已设立的机构。

(2) 有的委员建议第二款删去“如需”两字，在“设立机构”后加“事先”两字。

(3) 有些委员认为第二款中的，“机构”一词不明确，建议改为“办事机构”。

(4) 有的委员提出，第四款的内容可参照第二款的方式处理，进入香港的人员或进入香港的人数限额除国内有关部门批准外，还须征得香港特别行政区政府的同意。

9. 第二十二条

(1) 有的委员提出，基本法本身是法律，建议删去“应以法律”四个字。

(2) 有些委员认为，此条不属于中央和香港特别行政区的关系的内容，建议本条移至总则。

三、关于第三章居民的基本权利和义务

1. 第二十三条

(1) 有的委员提出，第(四)项中“以香港为永久居住地”怎么来证明和确定的问题，应进一步研究。

(2) 有的委员提出，第(四)项中对非中国籍的人要求通常居住连续七年的时限规定，是否可以考虑放宽一点。

(3) 有的委员提出，香港居民中的中国人拿了外国护照的，怎么来解决他们的国籍问题，也要认真考虑解决。

2. 第二十五条

(1) 有的委员建议把“均依法”三字去掉，代之以“凡符合有关法律规定者均……”；

(2) 有的委员指出，“被选举权”应不包括行政长官，因为仅仅是年满二十一岁的特区永久性居民，还不够担任行政长官的条件。

3. 第二十六条

(1) 有的委员建议改为“除本法其它条文另有规定外，香港居民还享有下列自由。”否则会引起误会，以为

香港居民只享有这些自由。

(2) 有的委员提出居民享有的自由应加上“依法”两字。

(3) 有的委员认为，可不加“依法”两字，本章第四十条的规定，明确了行使权利和自由是要受法律限制的。

4. 第三十条

有的委员认为，最后一句话“无需特别批准”可以不要。

5. 第三十四条

有的委员认为，第二款中的“申诉”一词最好改为“诉讼”。

6. 第三十八条

(1) 有的委员提出，“适用于香港的有关规定”是指现在还是将来？不明确，除了这两个公约外，将来还能不能再增加其它的？

(2) 有的委员提出，若将来还有新的国际公约，由谁来决定是否适用于香港特区？

7. 第四十条

有的委员认为，“合法传统权益”这几个字含义不

清，几十年后有可能更加模糊。若有人利用此条谋取私利，如关于町屋的传统，那对于特区的其他居民将是不公平的。

8. 第四十一条

(1) 有的委员建议在其他人的后面加上“法人”两字。

(2) 有的委员认为本章规定的是居民的权利和自由，不应加上“法人”两字。

9. 第四十二条

有的委员指出，该条未提其它方面的义务，建议改为“香港居民和香港的其他人有遵守本法第十七条规定的法律的义务”。

四、关于第四章 政治体制

1. 第四十五条

(1) 有的委员认为，第三款中的“循序渐进的原则”的提法不是法律语言，若不用明确的语言表述将会引起很多问题，因此建议对此进行修改；

(2) 有的委员认为，行政长官的产生办法是十分重要的，应在基本法的正文中予以明确规定，而放在附件中

的做法是不合适的。

2. 第四十八条

(1) 有的委员提出，第(三)项职权的提法应同联合声明一致起来，联合声明规定预算、决算要报中央人民政府备案，法律也要报全国人大常委会备案。

(2) 有的委员认为，第(五)项中报请中央任命的主要官员没有包括法院的法官，而现在香港法院法官由英女王任命，将来则由行政长官任命，是降低了法院法官的地位。

(3) 有的委员建议将“廉政专员”改为“廉政署长”。

(4) 有的委员建议加上一项职权，即“在按照本法执行职务时所必要而合理的其他权力”。

3. 第五十三条

有的委员提出，在六个月内产生新行政长官的期限太长。

4. 第五十五条

有的委员建议将第一款中“其任期或任期未满时终止委任，由行政长官决定”改为“其任免由行政长官决定。”后面一句可删去。

5. 第五十七条和五十八条

(1) 有的委员提出，因为廉政公署和审计署属于行政机关，建议将这两条放入行政机关一节的第六十四和第六十五条之间。

(2) 有些委员认为，廉政公署、审计署不是行政机关的一部分，它们是相对独立的、直接对行政长官负责的部门，因此还是放在“行政长官”一节中作出规定较为合适。

6. 第七十条、七十一条和七十二条的排列顺序

有的委员提出，第七十、七十一条是讲立法会议主席，第七十二条是讲立法会议的，这样显得主次颠倒。建议调换位置，把现第七十二条提至第六十九条后。

7. 第七十二条

(1) 有的委员认为，第(二)项的财政预算、决算实际上包括了第(三)项的税收和公费开支，建议作出调整。

(2) 有的委员提出，第九项职权中“负责进行调查并向立法会议提出报告”后面的标点应改为逗号。接下去的“如该委员会认为有足够证据构成上述指控”文法上有问题，前面没提“指控”，何来“上述”？

(3) 有的委员提出，第九款的表述不甚妥当，给人的印象是预先已确定了行政长官有严重违法或渎职行为。因此文字上应加以修改；

(4) 有的委员建议将第九款改为：“如果立法会议全体成员的四分之一联合动议，经立法会议通过，立法会议可组成独立的调查委员会，对行政长官是否有严重违法或渎职行为的问题进行调查。调查委员会的主席由终审法院法官担任，……（接原文）”。

8. 第七十三条

有的委员提出将方案一中的“个别或联名”删去，因为凡提出动议都须有人附议，不可能是个别提出。

9. 第七十八条

有的委员提出，第（五）项中提及“判处入狱”不确切、不规范，可改为“判处监禁”或“徒刑”。

10. 第八十三条

(1) 有的委员建议把“适用于香港特别行政区的”字样删去。

(2) 有些委员认为，不应删去，因为第十七条规定了两类法律，一类是适用于香港的，另一类是不适用于香港的，现第八十三条的规定是比较完整的。

(3) 有的委员认为，根据基本法第十七条，部分全国性法律将在香港适用，然而香港特别行政区法院引用全国性法律审判案件时，是不可用普通法适用地区的司法判例作参考的；建议在“依照本法第十七条”后加上“第一款”三个字。

11. 第九十四条

(1) 有的委员建议在原条文中“香港特别行政区”后加上“司法机关”，以强调是香港特别行政区的司法机关与全国其他地区的司法机关进行联系和协助。

(2) 有的委员认为，对于一些法律问题，如引渡、惩治叛国罪、反革命罪等，在第四章第四节中应有规定。惩罚犯罪，应以行为所在地的法律为准。这些问题，在现有的条文中没有规定。

(3) 有的委员认为，这些问题，一是比较复杂，二是比较具体，不适宜在基本法中作出规定。对于惩治叛国罪等，还得留待将来特别行政区立法予以规定。但有一个原则是，内地的刑法、民法、刑事诉讼法等，是不会适用于香港的，因为基本法第十七条已规定了在港适用的法律的范围。

12. 第九十六条

有的委员建议，第一句话中“非地方政权性”中的“地方”二字应删去，因为句末“区域组织”已说明是地方性的。

13. 第一百条

(1) 不少委员提出，条文中“英籍和其他外籍人士”的“英籍”二字可去掉，因为“外籍人士”已包括英籍，不必再特别提及。虽然联合声明中使用了这一提法，但基本法却为国内立法，不宜照搬外交文件；

(2) 有的委员认为，目前香港政府的外籍公务员中，82%是英籍，应予以照顾；

(3) 有的委员提出，第一百条第二款最后一句和第一百零二条的最后一句均只提及“外籍人士”，与上文“英籍和其他外籍人士”的提法不一致，因此需要统一起来。

(4) 有的委员提议，第一款末应加上“及行使应由上述职级官员行使的职权的其他人员”一句，因为本节规定的官员的职权有可能会转移到别的部门或机构。

(5) 有的委员提出，第二款中的“以个人身份受聘”不妥。如果这样规定，将来汇丰、怡和、太古、马会等大财团和机构的主席是否就不能代表其所属机构参加行

政会议或受聘当顾问了？

(6) 有些委员认为，若受聘为政府部门的顾问，只能是以个人身份，联合声明中已明确作了规定。

(7) 有的委员则提议，能否把“个人身份”改为“私人身份”，这样可包括私人机构的代表。

14. 第一百零三条

(1) 有的委员提出，立法会议成员和法官不属于公务人员，不宜在此规定。

(2) 有的委员认为，本节未对公务人员的定义作出规定，将来执行本节规定时会有困难，比如顾问是否属公务员？建议研究一下。

五、关于第五章 经济

1. 第一百零五条

(1) 有些委员对本条（特别是二、三款）内容持保留态度，认为这些只是政策问题，不宜写入基本法。

(2) 有的委员则认为，这几方面的规定对香港的繁荣稳定有极重要的意义。若没有这几条，香港的繁荣稳定便没有保障。如果说这些规定属政策范畴，那么其它章节也有很多政策性的规定。

(3) 有些委员提出了二种修改方案。第一，保留第一款作为第一百零五条，删去第二、三款的规定；第二，将第一、二款合写为“香港特别行政区政府财政预算应量入为出，以保持基本平衡；”而将第三款改为“香港特别行政区财政预算收支的增长率，应与本地生产总值的增长率保持适当的比例”。

2. 第一百零七条

(1) 有的委员建议，把“低税政策”改为“原有税收政策”。

(2) 有的委员认为，“低税”不能完全体现目前的税收政策，建议修改条文，表达出香港现在“低税率、税种少”的特点。

(3) 有的委员认为，这是政策问题，不宜写入基本法。

(4) 有的委员认为，现规定有利于安定香港人心，不改为好。

3. 第一百一十一条

(1) 有的委员建议，在“期货市场”前加“商品”两字。

(2) 有的委员建议，将“期货市场”改为“远期交

易市场。”

(3) 有的委员建议，在“期货”后加“等”字，以适应将来各种新形式的出现。

4. 第一百一十五条

有的委员建议，在第三款“……保持港币稳定的……”后面加上“目的的”，以与联合声明附件一的有关规定一致。

5. 第一百一十六条

有的委员认为外汇基金用途很多，建议去掉最后一句“主要用于调节港元汇价”；但有的委员认为，本条的规定与联合声明的写法一致，主要是为防止把外汇基金过多地用于他处。

6. 第一百一十七条

有的委员提出，本条第三款只写外来投资受法律保护，本地投资和内地来港投资是否也要有规定？

7. 第一百二十三条

有委员建议在“……环境和条件”前，加上“必要的”三字。

8. 第五节的土地契约问题

(1) 有些委员认为，该节条款大部分是过渡性的，

是不是应放在附则内；但认为第一百二十五条是总原则，应列在正文里；

(2) 有的委员认为，该节的标题“土地契约”宜改为“土地的批租”。

9. 第七节的民用航空问题

(1) 有的委员提出，该节部分内容放入基本法本文或附件，值得考虑。

(2) 有的委员认为，如放在附件中也不妥，因为基本法没必要搞一个冗长的附件。

六、关于第六章 教育、科学、文化、 体育宗教、劳工和社会服务

1. 第六章的标题和内容

(1) 有的委员认为，本章主要规定的是文化等方面的问题，劳工问题放在本章不太合适，应放在经济一章或居民权利义务一章中。

(2) 有的委员认为，本章条文中关于劳工的规定只有一条，该条文可保留在本章中不动，但可将本章标题改为“教育、科学、文化、体育、宗教和社会服务”。

(3) 有的委员认为这章标题太长，建议改为：“文

教、宗教、社会事务”。

2. 第一百五十条

(1) 有的委员认为，联合声明中有关特区政府作出当地和外来律师在香港特别行政区工作和执业的规定，在基本法中也应有所反映。

(2) 有的委员指出，如果本条规定了外来人员的执业问题，就会与香港一些专业团体，如医学界不承认内地学历的作法发生冲突。而目前的规定是很灵活的，有关专业资格问题，完全由未来特区政府自行规定。

(3) 有的委员建议在“香港特别行政区”后加上“政府”两字。

3. 第一百五十六条

(1) 有的委员提出，所述各方面的团体中，应加上劳工团体，因为下一条就包括了劳工团体。

(2) 有的委员则认为，劳工团体有其特殊性，情况与其它方面的团体不完全相同。如有些劳工团体，就想与内地的工会组织建立关系，若在这条中加入“劳工”二字，就会限制了这些劳工团体的行动，因此还是不加为好。

(3) 有的委员建议在“香港特别行政区”后加“政

府”两字。

4. 第一百五十七条

有的委员建议，在本条“……宗教等”后面加上“民间”两个字，在“……各地区”后加上“的民间组织”几个字。因为香港特别行政区的有关民间组织不能同世界各国、各地区发展关系，而只能同有关国家和地区的民间组织发展关系。还有的委员建议将本条中“上述”改为“有关”，或将二字删去。

七、关于第七章 对外事务

有的委员建议将第一百六十条第一款的最后一句话改为“……并以‘中国香港’的名义参加活动并发表意见”。这样规定，有利于香港参加诸如奥运会等国际组织。还有的委员建议删去本条第一款中的“派遣”二字，因为本条规定的主体是香港特别行政区，而联合声明上却规定的是香港特别行政区的代表。因此，删去“派遣”二字，意思更明确。

八、关于第八章 香港特别行政区的区旗、区徽

(1) 有的委员提出，第一百六十六条文字上有毛

病，可改为“除国旗国徽外，香港特别行政区可悬挂和使用区旗、区徽”。

(2) 有的委员认为，关于香港特别行政区区旗、区徽的规定在基本法中不必单列为一章即第八章；也不必分为三条即第一百六十七、一百六十八和一百六十九条，可以合并为一条，列入总则，作为第十条。条文的措词也应与中英联合声明中的原文相一致为好。可写为：

第十条 香港特别行政区除悬挂中华人民共和国国旗和国徽外，还可以使用区旗和区徽。

香港特别行政区的区旗（待拟）。

香港特别行政区的区徽（待拟）。

(3) 有的委员认为，总则各条反映的都是重要原则问题，与规定区旗、区徽的性质不太一样，所以有关区旗区徽的规定不宜列入总则。

九、关于第九章 本法的解释和修改

(1) 有的委员表示，对第一百六十九条第二款最后一句话的绝对写法有保留，建议在该句之后加上“刑事和宪制性的问题除外”。

(2) 有的委员认为，该条第三款有含混不清之处。

如有谁来决定案件是否涉及国防、外交等方面的事务？

(3) 有的委员提出：如果香港法院作出终局判决之前应提请全国人民代表大会常务委员会作出解释，那么香港居民会认为法院的终审权就不算是独立了。建议将第一百六十九条的第三款删去，作出相应修改。

十、关于第十章 附则

有的委员提出，第一百七十一条也应提及司法机关的产生。

十一、关于附件

1. 附件一

(1) 有些委员提出方案一第三款文字上有毛病，建议改为“……用民主程序选出其代表，一人不得兼代表多个组织，所选出的代表将以个人身份投票，选举团在选举完成时解散”。

(2) 有的委员提出，方案一第六款中的“政府”可去掉。

2. 附件二

(1) 有的委员提出，说明里实际上还有二个方案，

加上正文的四个，应是六个。现在这样处理是否公平？有委员介绍政治体制小组当时定的原则是，两人以上提出的方案写入正文，只有一人提出的方案写在说明里。

（2）有的委员建议，第六十六条已明确“立法机关”是“立法会议”，因此，附件里也应相应地将“立法机关”全部改为“立法会议”。

3.附件三

（1）有的委员认为，第一届政府的产生很重要，建议把附件三摆在三个附件的第一位。

（2）有的委员提出，现在的综合方案不全面，有一些遗漏。建议分为两类列上。第一类列上全部六个方案，第二类即现在的方案二。

（3）有的委员认为六个方案不能并列，因为有的方案只是个别委员的意见。

十二、关于注释和其他意见

（1）有的委员提出，在注释2内“二、隶属关系”中的机构前加“工作”两字。

（2）有的委员提议，注释3中的“教育统筹局”改为“教育人力统筹局”。

(3) 有的委员认为，基本法不少条文都有“原有的”或“原”的定语，意义含混。在目前来看，这个词至少可包含三种意义：(1) 指中英联合声明生效以前；(2) 指基本法颁布以前；(3) 指九七年特区政府成立以前。这个问题应予以研究解决。

U109870

COLLECTION OF DRAFTERS' OPINIONS EXPRESSED
AT THE SEVENTH PLENARY SESSION
OF THE DRAFTING COMMITTEE
FOR THE BASIC LAW
ON THE "DRAFT BASIC LAW
FOR SOLICITATION OF OPINIONS"

Compiled by the Secretariat of
the Drafting Committee for the Basic Law

Translated by the Secretariat of
the Consultative Committee for the Basic Law

May 1988



DONATION

[Note] The "Draft Basic Law for Solicitation of Opinions" has already taken into account some of the more important suggestions put forward at the group discussions of the seventh plenary session. These suggestions had the support of the majority of the drafters. The rest of the opinions expressed by the drafters during the session are included in this collection.

I. On Chapter 1: General Principles

1. Article 2

A member held that the power of final adjudication is a constituent part of the judicial power, but the present wording [in the Chinese version] seems to be putting the two on a par.

2. Article 3

A member expressed doubts as to whether the term "permanent residents" could adequately sum up the prerequisite for candidature in the elections of members of the executive authorities and the legislature. He noted that the Chief Executive is a member of the executive authorities, but being a "permanent resident" does not fulfil all the requirements for that post.

3. Article 4

A member held that this article only states that the existing capitalist system and way of life shall not be changed for 50 years, but does not say that the policies which provide that the future HKSAR shall enjoy a high degree of autonomy and shall be vested with executive, legislative and independent judicial power, including that of final adjudication, shall also remain unchanged for 50 years. What is stipulated in the Joint Declaration is that the policies of the State regarding Hong Kong shall remain unchanged for 50 years.

4. Article 5

- (1) A member found the meaning of the term "other persons" vague and suggested amending it to "non-residents".
- (2) A member held that "other persons" is the term used in the Joint Declaration and should not be changed.
- (3) A member suggested amending this article to read: "The rights and freedoms of the residents and other persons in the Hong Kong Special Administrative Region shall be protected by law." He held that the amended version is clearer and more positive in meaning.

5. Article 6

- (1) Some members suggested amending this article to read: "The laws of the Hong Kong Special Administrative Region shall protect the rights of property ownership, including those relating to acquisition, use, disposal, inheritance and compensation for lawful takeover. The compensation for lawful takeover shall be corresponding to the real value of the property concerned, freely

convertible and paid without undue delay."

- (2) A member suggested amending the term "rights of property ownership" to "private ownership of property", claiming that the latter is more in line with the intention of the drafters.

6. Article 10

- (1) A member suggested amending "policies and systems" to "systems and policies" because systems are more important than policies.
- (2) A member suggested deleting the words "policies and" from Paragraph 1 because only systems are dealt with here.
- (3) A member held that since Paragraphs 1 and 2 deal with different things, Paragraph 2 should form a separate article.
- (4) A member pointed out that Hong Kong at present does not have a "system for safeguarding the fundamental rights and freedoms of the residents".
- (5) A member held that the relationship between the Chinese Constitution and the Basic Law is not expressed clearly enough and would like to know which parts of the Chinese Constitution shall be applicable to Hong Kong.

II. On Chapter 2: The Relationship between the Central Authorities and the HKSAR

1. On the style of Chapter 2

- (1) A member held that the whole of Chapter 2, from the heading to the contents, leaves much to be desired. In his opinion, the "Central Authorities and the HKSAR" in the heading should read "the HKSAR and the Central Authorities" because the Central Authorities are the highest executive authorities and what the Basic Law has to address and determine is not so much the relations of the Central Authorities to the Special Administrative Region but the relations of the Special Administrative Region to the Central Authorities. He noted, for example, that Paragraph 1 of Article 12 gives the impression that the Central Authorities are only responsible for the foreign affairs of the HKSAR. He suggested that this paragraph be amended to read: "Foreign affairs relating to the Hong Kong Special Administrative Region shall be the responsibility of the Central People's Government." He held that making the HKSAR the subject of the relevant provisions would be more in keeping with the status of the Basic Law.

(2) Another member held that making the HKSAR the subject of the provisions would give the impression that the Central Authorities are under the Special Administrative Region.

(3) A member suggested standardizing the usage of the "Central People's Government", "State Council" and "executive authorities" in this chapter.

2. Article 13

A member suggested that provisions should be made in respect of the judicial jurisdiction of the garrison, such as how members of the garrison who have committed crimes are to be tried and where they are to serve their sentence. Another member held that this question should be looked into separately and there is no need to make provisions of this kind in the Basic Law.

3. Article 15

(1) A member suggested that "publication" and "broadcasting" should be added to this article.

(2) A member held that the wording of this article should be simplified to avoid omission and/or stylistic inconsistency with other articles.

(3) A member held that the Chinese term "房地產" (real estate) should read "地產".

(4) A member held that "房屋、房地產" (housing, real estate) should read "房產、地產" (house property, real estate).

(5) A member held that "housing, real estate" should read "public housing, real estate".

4. Article 16

(1) A member held that if the Standing Committee of the National People's Congress considers that any law of the Region is not in conformity with the Basic Law, all it has to do is to "return the law in question for reconsideration". He therefore suggested deleting the words "or revoke it" from this article.

(2) A member held that these three words should be retained because the Standing Committee of the National People's Congress has the power to revoke any law that is not in conformity with the Basic Law.

(3) A member held that the courts of the HKSAR should be responsible for examining whether the laws enacted by

the legislature are in conformity with the Basic Law.

5. Article 17

- (1) A member proposed the deletion of the clause "except for those stipulated in Paragraph 3 of this Article" from Paragraph 2 of this article. He held that the last three paragraphs should form a separate article, i.e. Article 18.
- (2) Some members were in favour of the original wording. They held that if the clause "except for those stipulated in Paragraph 3 of this Article" was deleted, the last three paragraphs would contradict what has been prescribed in Paragraph 2.
- (3) A member pointed out that the meaning of the terms "the limits of the high degree of autonomy" and "cases which are the responsibility of the Central People's Government" is vague and their usage is not standardized. He noted that the provision of the Joint Declaration which states that "the Hong Kong Special Administrative Region will enjoy a high degree of autonomy, except in foreign and defence affairs which are the responsibilities of the Central People's Government" is not reflected in the "Draft Basic Law for Solicitation of Opinions". He also noted that allowing the direct application of mainland laws in Hong Kong is not consistent with the source of law of the HKSAR as prescribed in the Joint Declaration.
- (4) A member suggested deleting the words "promulgation or" from Paragraph 3 in order to give better expression to a high degree of autonomy. Another member explained that laws to be "promulgated" mainly refer to simple statutes such as the statute on the "National Day".
- (5) Some member suggested deleting the last paragraph of this article because it sounds rigid.
- (6) A member suggested that there should be a time limit for determining whether or not the HKSAR government has acted in accordance with the directives of the State Council. However, another member held that it is not easy to set a time limit because some laws and decrees are very complicated.

6. Article 18

- (1) Some members pointed out that since the restrictions imposed by Hong Kong's previous legal system on the jurisdiction of courts in the HKSAR mentioned in Paragraph 2 also cover what is being said in the first sentence of Paragraph 3, that sentence may be deleted.

(2) A member held that Article 18 would restrict and reduce the rights which the HKSAR courts are supposed to have in adjudication.

(3) A member found the wording of "all cases" in Paragraph 2 inappropriate.

7. Article 20

(1) A member suggested amending Paragraph 2 to read: "Deputies of the Hong Kong Special Administrative Region to the National People's Congress elected by the Chinese nationals among the Hong Kong residents shall participate in the work of the highest organ of state power, and their assigned number of seats and election procedures shall be specified by the Standing Committee of the National People's Congress."

(2) A member pointed out that the wording in Paragraph 1 was not precise because, he noted, when Hong Kong becomes a part of China, participation in Hong Kong affairs is also a way of participating in state affairs.

8. Article 21

(1) A member suggested adding the word "new" before the word "offices" in Paragraph 2 to make clear that they do not include offices set up before 1997.

(2) A member suggested amending Paragraph 2 to read: "Departments under the Central Government, provinces, autonomous regions and municipalities directly under the Central Government must have the consent of the government of the Hong Kong Special Administrative Region and the approval of the Central People's Government before setting up offices in the Region."

(3) Some members found the Chinese term "機構" (offices) in Paragraph 2 unprecise and suggested changing it to "辦事機構".

(4) A member suggested that Paragraph 4 be treated with reference to Paragraph 2, that is, in addition to the approval of the mainland departments concerned, the consent of the HKSAR government shall be required for entry into Hong Kong or the quota for entry into Hong Kong.

9. Article 22

(1) A member proposed the deletion of the words "by law" because the Basic Law is a law in itself.

(2) Some members held that this article does not fall

within the scope of the relationship between the Central Authorities and the HKSAR and should instead be included in the chapter on General Principles.

III. On Chapter 3: Fundamental Rights and Duties of the Residents

1. Article 23

- (1) A member held that the question of how to prove and determine one's "place of permanent residence" referred to in Sub-paragraph (4) should be further studied.
- (2) A member suggested relaxing the requirement in Sub-paragraph (4) which stipulates that persons of non-Chinese nationality must have ordinarily resided in Hong Kong for a continuous period of no less than seven years in order to qualify as permanent residents of Hong Kong.
- (3) A member held that that question of the nationality of those Chinese among Hong Kong residents who have obtained foreign passports should be looked into and resolved in earnest.

2. Article 25

- (1) A member suggested amending this article to read: "Permanent residents of the Hong Kong Special Administrative Region who have reached the age of 21 and who comply with the relevant laws shall have the right to vote and the right to stand for election."
- (2) A member pointed out that "the right to stand for election" should not include election for the office of the Chief Executive because permanent residents who have only reached the age of 21 do not qualify for that office.

3. Article 26

- (1) A member suggested adding the following provision to this article: "Apart from those prescribed in other articles in this Law, Hong Kong residents shall also enjoy the following freedoms." The reason he gave was that unless this provision was added, people would think that Hong Kong residents shall only enjoy the freedoms prescribed in this article.
- (2) A member proposed amending the article to read "Hong Kong residents shall, in accordance with law, have"
- (3) Another member held that there was no need to add the

clause "in accordance with law" because Article 40 [sic] clearly states that the rights and freedoms are subject to restrictions as prescribed by law.

4. Article 30

A member suggested deleting the last three words "without special authorization".

5. Article 34

A member suggested the Chinese word for "challenge" (申訴) in Paragraph 2 should be amended to "訴訟".

6. Article 38

(1) A member pointed out that the expression "the provisions as applied to Hong Kong" could not clearly indicate whether it referred to the present or the future. He also asked whether or not it would be possible to introduce other covenants in the future.

(2) A member asked who would decide whether new international covenants should be applied in Hong Kong.

7. Article 40

A member pointed out that the clause "legitimate traditional rights and interests" is ambiguous and its meaning may become even more obscure several decades from now. He warned that it would be unfair for other SAR residents if the provisions of this article (e.g., the tradition of entitlement to small houses enjoyed by male members of the indigenous inhabitants of the New Territories) are abused for private gains.

8. Article 41

(1) A member suggested amending this article to read: "Persons and juridical persons in the Hong Kong Special Administrative Region other than Hong Kong residents shall,....."

(2) Another member was against the addition of "juridical persons" because this chapter deals with the rights and freedoms of residents.

IV. On Chapter 4: Political Structure

1. Article 45

(1) A member pointed out that the phrase "the principle of gradual and orderly progress" in Paragraph 3 is not legal language. He suggested that amendment be made,

warning that the use of ambiguous expressions would give rise to many problems.

- (2) A member held that since the method for selecting the Chief Executive is a matter of great importance, specific provisions should be made in the main body of the Basic Law. He considered it inappropriate to prescribe the method in an annex.

2. Article 48

- (1) A member held that the wording of Sub-paragraph (3) in respect of the powers and functions of the Chief Executive must be in line with that of the Joint Declaration. According to the Joint Declaration, in addition to bills on budgets and final accounts, laws must also be reported to the Central People's Government for the record.
- (2) A member noted that judges of the courts of Hong Kong are not among the principal officials whose appointment has to be reported to the Central Authorities. He pointed out that since judges are now appointed by the Queen, their status would be down-graded if they will be appointed by the Chief Executive in the future.
- (3) A member suggested that the Chinese term for "Commissioner Against Corruption" (廉政專員) should be amended to "廉政署長".
- (4) A member suggested the addition of the following sub-paragraph: "Other powers which are necessary and reasonable for the discharge of his duties in accordance with this Law."

3. Article 53

A member held that the six-month time limit for the selection of the new Chief Executive was too long.

4. Article 55

A member suggested amending the second sentence of Paragraph 1 to read: "Their appointment and removal shall be decided by the Chief Executive." He also suggested that the last sentence of this paragraph be deleted.

5. Articles 57 and 58

- (1) A member suggested that these two articles be inserted between Articles 64 and 65 in the section on "The Executive Authorities" because the Commission Against Corruption and the Commission of Audit are executive organs.

- (2) Some members held that it is more appropriate to include the Commission Against Corruption and the Commission of Audit in the section on "The Chief Executive" because they are relatively independent organs directly accountable to the Chief Executive.

6. The Sequence of Articles 70, 71 and 72

A member suggested rearranging the sequence of these three articles so that Article 72 comes after Article 69. The reason he gave was that the placing of Article 70 and 71, which are about the president of the Legislative Council, before Article 72, which is about the Legislative Council itself, seemed to have reversed the order of importance.

7. Article 72

- (1) A member pointed out that taxation and public expenditure mentioned in Sub-paragraph (3) are already covered by budgets and final accounts under Sub-paragraph (2). He recommended that appropriate readjustment be made.
- (2) A member suggested that in the Chinese version, the full-stop after "report its findings to the council" (提出報告) should be replaced by a comma. He also noted a grammatical mistake in the Chinese wording of "上述指控" (the above allegation) pointing out that because there is no mention of allegation before this, the words "上述" cannot be used.
- (3) A member pointed out that the wording of Paragraph 9 gives the impression that judgment has already been passed that the Chief Executive is guilty of serious breach of law or dereliction of duty. He suggested that amendment be made.
- (4) A member suggested that Paragraph 9 be amended to read as follows: "The Legislative Council may, with a motion jointly initiated by one-fourth of the members of the Legislative Council and passed by the council, establish an independent investigating committee to investigate into the question of serious breach of law or dereliction of duty by the Chief Executive. The investigating committee shall be chaired by the Chief Justice of the Court of Final Appeal...."

8. Article 73

A member suggested the deletion of the phrase "individually or jointly" from Alternative 1 because all motions must be seconded and no bill can be introduced "individually".

9. Article 78

A member pointed out that the Chinese term for "sentenced to imprisonment" (判處入獄) as appeared in Sub-paragraph (5) is unprecise and non-standard. He suggested that it be amended to "判處監禁" or "徒刑".

10. Article 83

- (1) A member suggested deleting the clause "applicable in the Region".
- (2) Some members were against this deletion because Article 17 stipulates two types of law, that is, those applicable to Hong Kong and those not applicable to Hong Kong. They considered the provision in Article 83 more complete.
- (3) A member pointed out that under Article 17 of this Law, some nation-wide laws will be applicable in Hong Kong, but that the courts of the HKSAR may not refer to precedents in other common law jurisdictions when citing nation-wide laws in their trials. He therefore suggested that the words "Paragraph 1 of" be added before "Article 17".

11. Article 94

- (1) A member proposed adding the words " " (Judicial organs) after " " (Hong Kong Special Administrative Region) in the Chinese version of this article to emphasize that it is the judicial organs of the HKSAR and their counterparts in China that are going to maintain relations and render assistance to each other.
- (2) A member held that provisions should be made for extradition and punishment for high treason and counterrevolutionary crimes in Section 4 of Chapter 4. Punishment for crimes should be meted out in accordance with the laws of the place where the crimes were committed. These problems are not dealt with in the present draft.
- (3) A member held that these problems, which are both complicated and specific, should not be dealt with in the Basic Law. He held that punishment for high treason and similar crimes should be decided on by the future HKSAR by means of legislation. The principle, he stressed, is that mainland laws such as the Criminal Code, Civil Law, Code of Criminal Prosecution shall not be applied in Hong Kong because Article 17 of the Basic Law has already prescribed the scope of the laws applicable in Hong Kong.

12. Article 96

A member proposed deleting the word "local" from the first sentence because if the organs are "district organizations", they must be at a local level.

13. Article 100

- (1) Many members were of the opinion that "British and other foreign nationals" should read "foreign nationals" because British nationals are also foreign nationals. Although this is the wording used in the Joint Declaration, there is no need for the Basic Law, which is a piece of domestic legislation, to rigidly follow the wording used in a diplomatic document.
- (2) A member held that since 82% of the expatriate public servants in the present Hong Kong Government are British nationals, they should be taken care of.
- (3) A member pointed out that the wording of "British and other foreign nationals" is inconsistent with that of the last sentence of Paragraph 2 of Article 100 and the last sentence of Article 102, which only mention the "foreign nationals". He proposed that the wording be standardized.
- (4) A member held that because the functions and powers exercised by the officials listed in this article may be transferred to other departments or organs, he proposed adding the following clause at the end of Paragraph 1: "and other posts for the exercise of the functions and powers discharged by the officials at the above-mentioned levels."
- (5) A member pointed out that the clause "shall be employed only in their individual capacities" in Paragraph 2 is inappropriate. He asked whether this means that in the future the chairmen of big consortiums and organizations like the Hong Kong Bank, Jardines, Swire and the Jockey Club cannot sit on the Executive Council or serve as advisers in their official capacities.
- (6) Some members held that these people can only be employed as advisers to government departments in their individual capacities, as the Joint Declaration has stipulated.
- (7) A member suggested amending "individual capacities" to "private capacities" because this will then include representatives of private organizations.

14. Article 103

- (1) A member held that members of the Legislative Council and judges should not be included in this article

because they are not public servants.

- (2) A member held that the absence of a definition for the term "public servants" as used in this section may render the implementation of relevant provisions difficult. He asked, for example, whether advisers should be considered public servants. He suggested that this question be further looked into.

V. On Chapter 5: Economy

1. Article 105

- (1) Some members expressed reservations about the contents of this article (Paragraphs 2 and 3 in particular). They held that these questions of policy should not be written into the Basic Law.
- (2) A member held that provisions in these aspects are of utmost importance for they provide a guarantee to the stability and prosperity of Hong Kong. He argued that if these provisions do indeed fall into the category of policies, then there are many policy provisions in other chapters as well.
- (3) Some members proposed two alternatives for the amendment of this article. The first alternative is to delete the second and third paragraphs. The second alternative is to combine Paragraphs 1 and 2 to read: "The government of the Hong Kong Special Administrative Region shall measure expenditure by revenues in drawing up its budget in order to maintain a basic balance"; and Paragraph 3 is to be amended to read: "The rate of increase of the budgetary revenues and the expenditure of the Hong Kong Special Administrative Region shall be kept in suitable proportions to that of the gross domestic product."

2. Article 107

- (1) A member suggested amending "a low tax policy" to "its previous tax policy".
- (2) A member held that "low tax" cannot fully reflect the present tax policy and proposed that this article be amended in such a way as to highlight the characteristics of "low tax rate and few tax types" of the present policy.
- (3) A member held that this is a question of policy and should not be written into the Basic Law.
- (4) A member held that the present provision can set people's minds at rest and therefore should not be amended.

3. Article 111

- (1) A member proposed the addition of the word "commodity" before "futures".
- (2) A member proposed amending "futures" to "futures trading".
- (3) A member suggested the addition of "etc." after "futures" to prepare for the emergence of new forms of markets in the future.

4. Article 115

A member proposed the addition of "目的的" (the object of) after "保持港幣穩定的" (maintaining the stability of the currency) in Paragraph 3 of the Chinese text, which is the exact wording used in the relevant section of Annex I of the Joint Declaration.

5. Article 116

A member proposed the deletion of the last clause "primarily for regulating the exchange value of the Hong Kong dollar" because the Exchange Fund can be used in many ways. However, another member held that the present wording, which is consistent with that of the Joint Declaration, is mainly aimed at preventing the situation where the Exchange Fund is used primarily for other purposes.

6. Article 117

A member noted that Paragraph 3 only concerns itself with investments from outside and asked if provisions should also be made for local investments and investments from the mainland.

7. Article 123

A member suggested adding the three characters "必要的" (necessary) in front of "環境和條件" (environment and conditions) in the Chinese text.

8. On Section 5: Land Leases

- (1) Some members held that most of the clauses in this section are of a transitional nature and suggested that they be included in an Annex instead. However, they maintained that Article 125 should be included in the main text because it is a general principle.
- (2) A member proposed that the title of this section be amended to "The Leasing of Land".

9. On Section 7: Civil Aviation

- (1) A member asked whether or not parts of this section should be included in an annex instead.
- (2) Another member held that putting those provisions in an annex is no solution because there is no need for the Basic Law to have a lengthy annex.

VI. On Chapter 6: Education, Science, Culture, Sports, Religion, Labour, and Social Services

1. On the heading and contents of Chapter 6

- (1) A member held that since this chapter is mainly concerned with culture and similar aspects, it is not very appropriate to deal with the question of labour here. He suggested that provisions for labour be included in the chapter on economy or residents' rights and duties instead.
- (2) A member held that as there is only one article in this chapter which deals with labour, it could well be left intact, but he proposed that the heading be amended to read: "Education, Science, Culture, Sports, Religion and Social Services".
- (3) A member found the heading too long and proposed that it be shortened to read: "Culture, Education, Religion and Social Affairs".

2. Article 150

- (1) A member held that the provision in the Joint Declaration for local lawyers and lawyers from outside the Hong Kong Special Administrative Region to work and practise in the Region should be reflected in the Basic Law.
- (2) A member pointed out that if provision is made in this article for professionals from outside to practice in Hong Kong, it would clash with the current practice of a number of professional bodies. He noted, for instance, that the medical profession does not at present recognise the qualifications of mainland doctors. He found the present wording very flexible, as it states that the future HKSAR government shall, on its own, decide on the methods of assessing and accrediting professional qualifications.
- (3) A member suggested adding the words "the government of" in front of "the Hong Kong Special Administrative Region".

3. Article 156

- (1) A member suggested adding labour organizations to the list of organizations, since they are included in Article 157.
- (2) A member held that labour organizations are of a special nature and are not quite the same as organizations in the other fields. He pointed out that since some labour organizations would like to establish links with mainland trade unions, the addition of the word "labour" in this article would restrict the actions of these labour organizations. He therefore preferred that they be left out.
- (3) A member suggested adding the words "the government of" in front of "the Hong Kong Special Administrative Region".

4. Article 157

A member proposed the amendment of the first sentence to read: "Non-governmental organizations in fields such as ... develop relations with non-governmental organizations in foreign countries and other regions..." He explained that non-governmental organizations in the HKSAR are not in a position to develop relations with foreign countries and other regions, they can only develop relations with the non-governmental organizations in these countries and regions. A member suggested deleting the word "above-mentioned" [sic] from this article or replacing it with "relevant".

VII. On Chapter 7: External Affairs

A member proposed that the last sentence of Paragraph 1 of Article 160 be amended to read: "... and may take part in activities and express their views, using the name 'Hong Kong, China'". He believed that this would be conducive to Hong Kong's participation in international organizations like the International Olympics Committee. Another member suggested the deletion of the verb "派遣" (send) from Paragraph 1 of the Chinese version because the subject of this article is the HKSAR, whereas in the Joint Declaration the subject is "representatives of the HKSAR". He held that the deletion of the verb would make the meaning clearer.

VIII. On Chapter 8: The Regional Flag and Regional Emblem

- (1) A member pointed out that there is a problem in the wording of Article 166 and suggested that it be amended to read: "Apart from the national flag and national emblem, the Hong Kong Special Administrative Region may

display and use a regional flag and regional emblem."

- (2) A member held that there is no need to make provisions for the regional flag and regional emblem of the HKSAR in a separate chapter in the Basic Law. He proposed that Articles 167, 168 and 169 be merged into a single article and placed in the chapter on General Principles as Article 10. The wording, he suggested, should be consistent with that of the Joint Declaration. His proposed Article 10 reads:

"Apart from displaying the national flag and national emblem of the People's Republic of China, the Hong Kong Special Administrative Region may use a regional and emblem of its own."

The regional flag of the Hong Kong Special Administrative Region. (to be drafted)

The regional emblem of the Hong Kong Special Administrative Region. (to be drafted)

- (3) A member held that provisions for the regional flag and emblem should not be included in the chapter on General Principles because the articles in that chapter are all important principles, which are quite different from the issue of regional flag and emblem in nature.

IX. On Chapter 9: Interpretation and Amendment of the Basic Law

- (1) A member expressed reservations about the last sentence of Paragraph 2 of Article 169, which sounds too absolute. He suggested adding the clause "except for criminal and constitutional matters".
- (2) A member found the meaning of Paragraph 3 rather ambiguous, noting, for example, that it does not say who is to decide whether a case concerns defence and foreign affairs.
- (3) A member pointed out that if the courts of the HKSAR have to seek an interpretation from the Standing Committee of the National People's Congress before making their final judgment on a case, Hong Kong people will think that the courts of the HKSAR do not have independent power of final adjudication. He suggested that Paragraph 3 of Article 169 be deleted and that appropriate amendments be made.

X. On Chapter 10: Supplementary Provisions

A member held that provisions for the formation of the judicial organs should also be made in Article 171.

XI. On the Annexes

1. Annex I

- (1) Some members pointed out that there are some defects in the wording of Paragraph 3 of Alternative 1 and suggested this it be amended to read as follows: "... Each elected representative must not concurrently represent several organizations and shall vote in an individual capacity. The electoral college will be dissolved after the election is completed." (Translator's note: The change in the Chinese wording is not reflected in the translation.)
- (2) A member proposed the deletion of the words "government of the" from Paragraph 6 of Alternative 1.

2. Annex II

- (1) A member pointed out that there are actually two more alternatives in the Notes, which, together with the four in the text, make six. He questioned the fairness of the present arrangement. A member explained that the Subgroup on the Political Structure was working on the principle that proposals supported by two or more members were to be placed in the text, while alternatives proposed by one member alone was to be placed in the Notes.
- (2) A member proposed that since Article 66 clearly states that the Legislative Council is the legislature of the HKSAR, all references to the legislature in the annexes should be changed to "Legislative Council".

3. Annex III

- (1) A member proposed that in consideration of the importance of the formation of the first government, Annex III should have precedence over the other two annexes.
- (2) A member pointed out that the present combined proposal has loopholes and suggested that the alternatives be listed under two categories: with the first category including all the six alternatives proposed and the second listing the alternative now adopted.
- (3) A member held that the six alternatives should not be listed side by side because some of them were just the views of individual members.

XII. On the Notes and Other Opinions

- (1) A member suggested in the paragraph on "Affiliation" in Note 2, the word "organ" should read "working organ".
- (2) A member proposed that in Paragraph 3 of Note 3, "教育統籌局" (Bureau of Education) should read "教育人力統籌局" (Bureau of Education and Manpower).
- (3) A member pointed out that the meaning of qualifiers like "existing" and "previously" used in many of the provisions is unclear. He noted that these qualifiers could have at least three meanings: First, before the Joint Declaration took effect; second, before the promulgation of the Basic Law; and third, before the establishment of the HKSAR in 1997. He urged that this problem be resolved.

* If there is any discrepancy between the Chinese and the English versions, the Chinese version shall prevail.

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