IX. THE RESERVED AREAS OF LEGISLATIVE INITIATIVE, THE CONDITIONED LEGISLATIVE INITIATIVE, AND THE SHARED AREA OF LEGISLATIVE INITIATIVE

Looking now at the reserved areas of original legislative initiative, which gravitate–at a fundamental though not exclusive level–around Article 75 of the Basic Law.

1. The Government's Area of Reserved Initiative

Article 75 of the Basic Law requires, in a reversed interpretation, that certain matters be reserved to the general legislative initiative of the Government, limiting the possibility of being introduced by Members — ie bills not involving matters of public revenue and expenditure, nor the political structure or the operation of the Government, may be introduced, individually or jointly, by Members of the Legislative Assembly.[534]

Generally speaking, in said *matters* (public revenue and expenditure, the political structure and the operation of the Government) and, in truth, others as well — Legislative Assembly Electoral Law, Budget,[535] essential elements of the taxation framework, via Article 104, subparagraph (a) of the Rules and Annex II of the Basic Law, together with Article 71, paragraphs (2) and (3) of such constitutional Law — legislative initiative is reserved to the Government, with varying degrees of *constriction* or porousness.

[534] In effect, if the development, interpretation and application of this norm is not conducted in a manner appropriate to its primary function — the attribution of legislative initiative powers to Members, even if restricted — based on criteria such as the separation of powers, mechanisms of balance and control between the two poles of political power and the nature of the Members' functions, then this framework may be castrating to the point of legitimising Gu Yu's question of whether LegCo really exists to *make laws* — see Gu Yu, *Hong Kong's Legislature under China's Sovereignty 1998–2013* (Brill 2015) 6 et seq.

[535] Luís Pessanha, 'A Reserva de Lei Fiscal, o Orçamento e a Tributação Anualizada', paper presented in Macau, 2017, archived with the Author, explains that "*The Basic Law entails a dynamic co-operation between the executive and the legislative bodies in the areas of Tax and Budget Law, where the Government assumes the exclusive legislative initiative to formulate its financial and taxation options, as well as to introduce legislative initiatives in the budgetary area*" and later on, "T*he Government therefore holds the legislative initiative in budgetary and taxation issues, being able to measure the opportunity and the necessity thereof, from the political, financial and economic point of view, to make modifications in the legal-fiscal order in force, taking into account the situation of Macau's economy*."

2. The Members' Area of Reserved Initiative

On the other hand, matters concerning the legal status of the Members (not limited to those inserted in such statutory law) or the organic structure of the Legislative Assembly, among other matters of a legislative or normative nature — such as the Rules, regulations on hearings, public debate, petitions to the Legislative Assembly, etc — are excluded from the Government's normative impetus. Instead, these rest under the exclusive competence of the Legislative Assembly, as a solely in-house initiative, either pursuant to the provisions of Article 77, paragraph (2) of the Law Basic and to the procedural norms herein analysed, either out of respect for structuring principles such as the internal autonomy and self-regulation of the Legislative Assembly and its separation from the Government. Notably, such has always been the undoubtedly followed praxis on the ground, representing instances of reserved legislative initiatives implicitly anchored in principles embedded within the constitutional law, although not explicitly or specifically articulated in the Basic Law. [536]

The Government recognised that matters relating to the Legal Status of the Members constitute the exclusive competence of this Legislative Assembly. This body alone is thus competent for the respective legislative initiative. The Legal Status of the Members, which is integral to the Legislative Assembly's absolutely reserved area of legislative competence, is the Members' exclusive initiative, possessing an exceptional nature *vis-à-vis* other common laws, as it enacts a set of norms that define the political status of the Members.[537]

The Executive's incapacity, due to a reserved legislative initiative in these matters in favour of Members, means that the Government is inhibited from introducing bills pertaining to the Legal Status of the Members and similar matters on the organisation and guarantees of independence of the Legislative Assembly, such as, for example, matters related to the structuring and staff of the Legislative Assembly. The issue of the legislative initiative excluded from the Executive in the aforementioned matters is unequivocal and undisputed, and has come to be repeatedly affirmed, regardless of the formal textual/systematic insertion of the norm the approval of which is sought (by the Government) and irrespective of whether the matter is expressly regulated in the law that addresses the Legal Status of the Members. Having reached this conclusion, one shall add that whatever the political view may be on the creation or extension of a legal aid

[536] This situation of an absence of express reference, although not aiding in clarity, is not unique in terms of comparative law. See, for example, with reference to other matters in the Portuguese case, Jaime Valle, *A participação do Governo no exercício da função legislativa* (Coimbra Editora 2004) 134 et seq and 170.

[537] See eg FSC, Report No. 5/III/2008. On the other hand, the Explanatory Note of bill amending Law No. 3/2000–"On the Legislature and the Legal Status of the Members of the Legislative Assembly stated, "Within the scope of the legislative process relating to the Government bill to amend Law No. 3/2001 – Electoral Law of the Legislative Assembly – the Government requested that said period, also provided for in Article 19 of such law, be extended to double the allotted deadline, for reasons related to the difficulty felt by the Electoral Administration in fulfilling the tasks of electoral organisation in a timely manner. However, in the case in hand, as regulated by the Legal Status of the Members – as it is a by-election to fill a vacancy in the composition of the Assembly – any modification on this issue is subject to the exclusive legislative initiative of the Members."

framework to Members (and, mutatis mutandis, to Legislative Assembly staff), such matter falls solely within the purview of Members' legislative initiative, as embodied in a possible bill.[538]

The original and supervening legislative initiative forbidden to the Executive in the above matters mentioned is unequivocal and undisputed, being recurrently affirmed, regardless of the formal textual/systematic insertion of the norm the approval of which is sought (by the Government) and irrespective of whether the matter is expressly regulated in the law that addresses the Legal Status of the Members.

These special cases of reserved initiative preclude, or at least compress — as they should be — the general Government-reserved area containing the matters of political structure and public revenue and expenditure. It's unequivocal that, for instance, when approving the Legal Status of the Members, triggered by an exclusive initiative of the Members, the resulting law shall inevitably touch on issues relating to the political structure, as well as entailing public expenditure — the important criterion to retain is that such are, nonetheless, matters reserved to the exclusive initiative of Members, because they are inherent to the self-organisation of the Legislative Assembly.[539]

3. The Conditioned Legislative Initiative

The theme or framework of the original legislative initiative is actually three-fold: there is an area, placed in the middle ground, deemed as the conditioned initiative by the Members.

Such area is what the aforementioned Article 75 of the Basic Law establishes: the introduction of bills involving Government policy shall require prior written consent from the Chief Executive. Article 105 of the Rules of Procedure further complements said

538 FSC, Report No. 2/IV/2010. See *inter alia*, João Albuquerque, 'Opiniões sobre a Proposta de Lei intitulada enquadramento das Leis e Regulamentos Administrativos' in *Colectânea de Legislação sobre o regime jurídico de enquadramento das fontes normativas internas* (Assembleia Legislativa 2009) 374 et seq.

539 It should be noted that the Government's bill that resulted in the approval of Law No. 11/2008, Amendment to Law No. 3/2001 'Electoral Law of the Legislative Assembly' — despite the fact that its initial version violated the Members' reserved legislative initiative — was accepted, the correction of the problem having been postponed to a later stage, which was effectuated via an amendment, at the legislative initiative of Members, to the *Legal Status of the Members*. See FSC, Report No. 5/III/2008, which stated: "*Changing the deadline for by-elections, in the event of vacancies in the Legislative Assembly, is the exclusive competence of this Assembly Legislative and it is for this reason that it is a matter contained in that Status and not available to the Government's legislative initiative. It is enough to understand that the determination of the period for the by-elections, in case of vacancies, affects the duration of the Mandate or term in office, and to understand that the intended modification cannot be pursued through a Government bill*" and, "*This Committee considers, therefore, advisable to suggest that when the amendments to Law No. 3/2000 – On the Legislature and the Legal Status of the Members are introduced – in view of changes to the framework on immunities, should also proceed to the adjustment of the period from ninety to one hundred and eighty days (in the case, obviously, of elected Members), in paragraph 3) of Article 8 of the Legal Status of the Members. Thus, the Committee and the Government decided to keep the amendment to Article 19, contained in the latter's bill, notwithstanding the fact that the debate and voting on the specifics of such a bill may only take place after the legislative process to amend Law No. 3/2000 – a matter of the exclusive initiative of the Members of this Legislative Assembly – is finalised*."

norm by stating that the exercise of the Members' initiative on matters pertaining to Government policy depends on prior written authorisation from the Chief Executive.[540]

4. The Shared Area of Legislative Initiative

Finally, there is an immense scope of subject-matters — the majority imaginable thereof — wherein no type of legislative initiative is reserved to any proponent, nor are there conditioned initiatives — consequently, both the Government and Members have total parity of legislative initiative in this vast domain.

I shall proceed with a few conceptualisations after dividing the original legislative initiative into the above-mentioned four categories or typologies.

5. Delimiting the scope of the Areas of Reserved Initiative

I must draw the reader's attention to the extreme relevance attached to the interpretation, clarification and development of the concepts of "public revenue and expenditure", "political structure", "operation of the Government", "essential elements of the taxation framework" and "Government policy", among other relatively vague and indeterminate notions adopted in the Basic Law and in the Rules of Procedure. Certainly, such an effort falls, in practice, firstly, to the Legislative Assembly and, at a later stage, to the Chief Executive, who is competent to sign and order publication — or refuse to so do — of laws approved by the Legislative Assembly.

Independently of the Government's reserved legislative initiative, there is a marked factual quantitative importance, in the MSAR as well as in general comparative law, of legislative initiatives originating from the Government.[541] One might speak of a tendency towards "*laws by administrative fiat*",[542] ie of a certain idea of predominance of Administration over Legislation as a preferential instrument in the pursuit of a State's ends.[543]

[540] There are a few cases of recourse to the route of conditioned legislative initiative, for example, Law No. 9/2000; "General Framework Law on Sciences and Technology".

[541] Speaking, for example, on "*the centrality of the Government's legislative initiative*": Valerio di Porto and Luigi Gianniti, 'L'iniziativa legislativa parlamentare' (*federalismi.It*, 14 July 2017) <https://www.federalismi.it/nv14/articolo-documento.cfm?artid=34383>.

[542] Luís Fábrica, 'Princípios de legística material e formal' (unpublished and archived with the Author, CFJJ 2005) 3. *Apropos*, Marcelo Rebelo De Sousa, points out that "lawmaking by Governments is, increasingly, undertaken by the Public Administration. As for Parliaments, due to the scope and content of the laws they vote on and the very character and procedure of the parliamentary body, the weight, even if informal, of decision-making by the Public Administration is more circumscribed. It could be said that Government bills are the product of the Public Administration. Still, parliamentary appraisal and voting allows for the outstripping or mitigation of excessive administrative conditioning.": Marcelo Rebelo De Sousa, 'O Provedor de Justiça e o procedimento legislativo' (Provedor de Justiça – Sessão comemorativa 1996).

[543] ibid. This phenomenon will also be reflected in another aspect: "the technical complexity of the norms and the speediness required in legislative procedures means that those who prepare legislative projects are, in most

The competence to interpret and to clarify the above concepts — for the purposes of determining whether a bill is within, or without, the scope of the Government's area of reserved legislative initiative or of a conditioned legislative initiative, lies solely with the President of the Legislative Assembly,[544] as it should be.[545]

Incidentally, I would like to illustrate this point by invoking Hong Kong LegCo's Rules of Procedure and the Official Information Notes on these subjects:

> "**Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region (Amended on 22 March 2013)**
>
> *51. Notice of Presentation of Bills*
>
> *(3) Members may not either individually or jointly introduce a bill which, in the opinion of the President, relates to public expenditure or political structure or the operation of the Government.*
>
> *(4) In the case of a bill which, in the opinion of the President, relates to Government policies, the notice shall be accompanied by the written consent of the Chief Executive in respect of the bill."*
>
> "**Information note on presentation of bills by Members of the Legislative Council:**
>
> The procedure for presentation of bills by Members pursuant to the relevant legal provisions, RoP and the established practice is outlined below:
>
> […]
>
> (d) seek the President's opinion in writing on whether the bill relates to any of the following matters:
>
> (i) public expenditure,
>
> (ii) political structure,
>
> (iii) the operation of the Government, or
>
> (iv) Government policies;
>
> (BL 74 and Rule 51(3) and (4) of RoP)
>
> (e) if the President is of the opinion that:
>
> (i) the bill relates to (d)(i) or (ii) or (iii), the Member may not

cases, members of the Administration itself, limiting members of legislative bodies to sanction, with a more or less formal approval, the solutions defined by the former." The same text continues, "The problem is aggravated in those legal orders where normative power – whether or not it takes on a legislative form – is gradually shifting to the executive bodies, with the decreased exercise of effective legislative competence by bodies separated from the Public Administration.", ibid, 3–4.

544 Cf Article 9, subparagraph c) of the Rules of Procedure.

545 PY Lo, *The Hong Kong Basic Law* (LexisNexis 2011) 446–47.

introduce the bill;

(ii) the bill relates to (d)(iv) only, proceed to (f); or (iii) the bill does not relate to any of the matters in (d)".

In general, the interpretation, clarification and development of these various concepts are not directly and explicitly performed in, or by, the Basic Law, given its nature of a higher-level normative source. One could address such issues in a structuring law, such as Law No. 13/2009, for matters of legislative initiative, or by adding these matters to said law. In the absence of more detailed and specific legal criteria, an interpreter's effort is called for. Naturally, given that auxiliary elements do not exist, the experience gained over the past few years shall indeed be very useful.

6. On the Political Structure

As seen above, the breadth and depth of the "political structure" concept is limited when faced with legislative initiatives pertaining to the Legal Status of the Members.

Nor may said concept imply a total or absolute impediment to Members bills that — *de minimis*, in a lateral or partial fashion or as a reflexive effect — entail granting additional competences to certain organs or public services of the MSAR. Nothing prevents Members from introducing legislative initiatives touching on the array of tasks, competences, duties, etc, of public, judicial, administrative or political entities already in existence (or to be created).

In fact, such has occurred with several laws resulting from Members' bills.

For example, this is evidenced by instances where competences have been conferred upon bodies such as the CFA, the Administrative Court, or individual judges handling cases.[546] Additionally, duties of collaboration have been mandated on the Chief Executive and principal Government officials, encompassing various bodies, services, institutes, and autonomous entities.[547] Furthermore, competences have been allocated to the Department of Economic Affairs concerning administrative offences,[548] extensive powers have been granted to a public authority,[549] obligations have been imposed on all Public Administration services and bodies, including municipal bodies and public institutes, to send three copies of all official or unofficial publications to the Legislative Assembly, for the purposes of legal deposit and inclusion into the latter's library.[550]

The interpretation and application, in practice, of this legal framework, have been consensual and uneventful.

546 As seen in Law No. 8/2005, Law No. 16/2008, and Law No. 13/2008.
547 Law No. 3/2000.
548 Law No. 7/2005.
549 Law No. 8/2005.
550 Law No. 11/2000.

7. Public Revenue and Expenditure

With the exception of the Government's reserved initiative to introduce the annual Budget bill, one has to analyse this concept tactfully and prudencefully. Otherwise, the conclusions might reach levels of absurdity, given the obvious fact that any law may impact public revenue and expenditure.

Several laws in force, resulting from Members' own initiatives, require "public expenditure", such as laws concerning the Legal Status of the Members[551] and laws relating to the organic structure of the Legislative Assembly: the approval of the Legislative Assembly's budget; the remuneration of the Legislative Assembly staff; the purchase of new documentation and bibliography; the purchase of studies and the provision of services, including surveys or occasional tasks; the expenditure related to retirement and survivors' monthly pensions.[552] Clearly, these are not laws on public expenditure *per se*, but laws that — like any other — have budgetary implications, albeit only in a residuary way, as they do involve expenses.

Similarly, with respect to the "public revenues" of the Legislative Assembly, for example, the accrued balance from previous managements, the proceeds from the sale of its own assets or the interest on its own resources/investments.[553]

Note the following words by LUÍS PESSANHA:

> "Less balanced, in our view, is the option contained in the Basic Law that does not allow Members of the Legislative Assembly, endowed with legislative initiative in general, to formulate bills that may be financially relevant, albeit of an ad hoc or a one-off nature, with a view to adopting specific legislative measures, without a very significant budgetary impact. This follows from the provisions of the first part of Article 75 of the Basic Law, where it is established that legislative initiatives introduced by Members may not involve "public revenue and expenditure" — deserving to be considered an excessive restriction of Members' legislative initiative."[554]

8. Operation of the Government

This issue seems to remain non-contentious, in the sense that the concept only includes the operation and the structuring of the Government, in a strict sense, that fundamentally

[551] Namely in respect of their remuneration; monthly allowance for the operating expenses of the Members' Bureaux, where constituents and the population are received and heard, and for the hiring of support staff.
[552] See Law No. 11/2000 and Law No. 14/2008.
[553] Law No. 11/2000.
[554] Luís Pessanha, 'A Reserva de Lei Fiscal, o Orçamento e a Tributação Anualizada' (The Basic Law, the Budget and the New Budgetary Framework Law of Macau, Macau, 2017). See also, José Hermínio Paulo Rato Rainha, 'Lei Básica da Região Administrativa Especial de Macau e Sistema Fiscal' (2002) 14 BFDUM 199.

being the Chief Executive and the Offices of the Secretaries. [555]

Therefore, a correct purposive and functional interpretation shall not shut the door to the inclusion of addending minutiae, such as granting a new competence or imposing a new duty, etc, to any Government Department. Surely, this is not the underlying end, nor the spirit; otherwise, virtually no law could be initiated by Members. What is normal, in any law, is that duties are imposed on a certain public entity, that there is supervision or sanctions/penalties, ie a competence to enforce the application of the latter, and so on.

These matters can be seen as a reflex of the Members' reserved initiative with respect to the Legal Status of the Members and the organic structuring of the Legislative Assembly.

9. Government Policy

Regarding the clarification of the concept of Government's "policy" — or, better still, of what constitutes involvement with such "policy" — one must agree with the compelling argument that this vague concept may not be filled to the brim, thus ultimately resulting in thwarting the principle of unconditional legislative initiative by Members. Such an outcome would evidently violate the Basic Law and its twinned system of agency with respect to legislative initiative. In other words, Government policy may not be interpreted as a means to condition Members' initiative, to an extent that would signify diminishing or emptying the unconditional — and endowed with a wide margin — legislative initiative of the Members, as enshrined under the Basic Law.

Thus, not any and all intention, action, announcement, omission, declaration — even if possibly made by the Government itself — may purport to constitute or be invokable as "Government policy".

If, *ad absurdum*, the Government announces intentions in its Annual Policy Action Address, such as forming a working group to review fundamental rights, conducting public consultations on criminal law, introducing bills on property rights, or studying the Civil Code or Code of Civil Procedure reform? May this legitimise the conclusion that, from now on, as if in anticipation, all such matters are reserved for the Government's legislative initiative? Similarly, if a Secretary or Department head mentions considering a specific subject in the media, would this preclude Members from introducing bills related to fundamental rights or criminalising a given conduct? It seems to me evident that the answer is a negative one.

The above could hardly be harmonised with the relatively usual circumstance that the Government takes year upon year to study a certain subject/proposal. Would the

[555] For instance, Law No. 2/1999, Framework Organic Law on the Government, or the matters covered by Administrative Regulation No. 14/1999, Approves the Legal Status of the Offices of the Chief Executive and the Secretaries.

Legislative Assembly and its Members be simply prevented from introducing a bill on a very relevant matter? The Third Permanent Committee, in Report No. 1/IV/2012, affirms,

> "As an introduction, it is necessary to clarify that [...] the Members have the power of initiative on the matter of medical malpractice, ie they have the power to generate, on their own initiative and without limitations, the legislative process on that relevant matter."

However, in such case and at that specific moment in time, "the Committee decided not to draft a bill." [556]

The question is: Government policy, surely — but which Government's? Is the concept confined to the policy of the Government currently in office or extended to previous Governments' policies? For example, if a previous Government carried out a study on a given issue, presented certain options to the public, inserted the proposal in the legislative domain (but did not complete such work), and a subsequent Government does not comment on nor pursue, such matter, should that imply that Members would be indefinitely and eternally deprived of their legislative initiative? It is equally evident that an affirmative answer would subvert the spirit of the Basic Law.

The concept of Government policy, in terms of delimiting the legislative initiative reserved to Members, but requiring prior written consent by the Chief Executive, shall have to be grounded on the fundamental or basic choices that the Government makes in each area of intervention, thus excluding accessory, secondary or detailed aspects of Government options.[557] It seems, however, clear that the concept of Government policy cannot be understood in an excessively comprehensive way, thus leading to an emptying or an almost complete exhausting of the legislative initiative of the Members of the Legislative Assembly. Those are only the fundamental government policies.[558]

What is at stake here would be — taking improbable examples — impeding Members' bills wishing to cancel all social benefits for the elderly; ordering the Government to terminate the free access to health services; abolishing, without further ado, any and all subsidies and subventions to private associations; or, even more absurdly

[556] *Diagnóstico e estudo com vista a eventual elaboração de uma Lei do Erro Médico*. [Evaluation and study with a view to the possible enactment of a Law on Medical Malpractice.]

[557] Hence it is necessary to ask whether a bill that is merely interpretative, or clarifying, of a provision of the Land Law (Article 104, paragraph 5), should be rejected because the Government's policy might be at stake. This situation did occur and the bill in question was rejected by the President. I cannot adhere to this solution, as such an interpretation is deeply restrictive of the Members of parliament itself, translating into an inadmissible and undesired compression — as I contend — of the Basic Law. In other words, such rejection seriously injured the Basic Law, the Rules of Procedure, plus the status and dignity of the Legislative Assembly and its Members. I do hope that this was an unfortunate and isolated case, not signalling a shift in policy. Obviously, a different issue would be the voting down of the bill by the Plenary, as it is entitled to, based on considerations of opportunity, convenience, justice, etc the bill.

[558] Luís Pessanha, 'A Reserva de Lei Fiscal, o Orçamento e a Tributação Anualizada', paper presented in Macau, 2017, archived with the Author. See also, in a concurring sense, Pedro Pereira De Sena, *O Exercício da Função Legislativa e os Desafios na Prática da Feitura das Leis – Análise de um processo legislativo (a)típico*, in *Estudos no Âmbito da Produção Legislativa, Textos em Língua Portuguesa* (CFJJ 2018), 473.

still, obligating the Government to terminate public transportation.

To regard the vacuous macro-concept of Government policy as absolutely untouchable would lead to an intolerable compression of the capacity of initiating legislation by the Members, contrary to the design of the Basic Law.

It would also entail two more consequences:

First, bills would necessarily have to appear to be totally neutral in social, economic, cultural and legal terms. It's quite challenging to imagine a bill that, lacking written consent from the Chief Executive, does not reflect some aspect of Government policy, orientation, or omission. Laws are not neutral, in the sense that they always instill a certain social, economic, cultural and legal idea on a given issue.

Any bill by a Member, when approved, affects the legal fabric of the MSAR and carries with it solutions that, inevitably, are projected in the Government and its policies — beginning with the principle of the primacy of laws over administrative regulations and the principle of legality to which the Government is subject.[559]

Henceforth, in this domain, the Government cannot against the law, ie the law of the Legislative Assembly and approved at the initiative of the Members. This has been the case with most of the bills introduced, and also the approved ones. Several of the approved bills, over the course of the various legislatures, inexorably affect Government policies, with greater or lesser immediacy or impact. In fact, some of them carried out true transversal revolutions, with horizontal effects spanning the entire Public Administration. Consider, for example, the Law on the Protection of Personal Data, and the Law amending the Access to Law, imposing its new framework on any and all public entities. None of these laws required the prior consent of the Chief Executive before being introduced by Members — the bills were accepted by the President of the Legislative Assembly and the resulting laws approved by the Legislative Assembly, signed by the Chief Executive, published in the OG and reported for record at the Standing Committee of the National People's Congress.

Second, if such were not the case, ie if Members' bills had to be neutral and could not touch anything that could, with greater or lesser clarity and solidity, be perceived to be Government policy, then it would be necessary to conclude that many of the Members' bills accepted over the years, several of which were approved, are tainted by unconstitutionality, for violation of Article 75 of the Basic Law, ie they should never have been accepted in the first place by the President. This conclusion would not make the least sense as such bills would be incorrectly accepted.

One can be certain that, in the first instance, it is up to the Legislative Assembly to solve the issue and, at a later stage, up to the Chief Executive to decide on the

559 Article 3, paragraph (2) of Law 13/2009 and Article 65 of the Basic Law.

signature[560] and order for publication, or refusal thereof, of laws approved by the Legislative Assembly, under the terms, *inter alia*, of Articles 50, paragraph (3), 51, and 52 of the Basic Law, as well as Articles 132 and 133 of the Rules of Procedure. There is a first moment of formal internal control within the Legislative Assembly, and later a moment of political control by the Chief Executive under a logic of separation and inter-dependence of powers duly defined under the Basic Law.

According to the data obtained, only five bills were introduced under the typology of conditioned legislative initiatives, upon obtaining written authorisation from the Chief Executive.

[560] Song Xixiang, 'Sobre as Relações entre o Poder Executivo e o Legislativo e o Judicial em RAEHK e RAEM' (2012) 4 Revista de Estudos de 'Um País, Dois Sistemas' 119 highlights this aspect of the framework established by the Basic Law, 121.