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| 发文机关Promulgator | ：: | 全国人民代表大会常务委员会The Standing Committee of the National People's Congress |
| 发布日期Date of Issue | ：: | 2005.04.272005.04.27 |
| 生效日期Effective Date | ：: | 2005.04.272005.04.27 |
| 时效性Effectiveness | ：: | 现行有效Current |

# 全国人民代表大会常务委员会关于《中华人民共和国香港特别行政区基本法》第五十三条第二款的解释

# Interpretation of the Standing Committee of the National People's Congress on Paragraph 2, Article 53 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China

全国人民代表大会常务委员会关于《中华人民共和国香港特别行政区基本法》第五十三条第二款的解释

Interpretation of the Standing Committee of the National People's Congress on Paragraph 2, Article 53 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China

（2005年4月27日第十届全国人民代表大会常务委员会第十五次会议通过）

(Adopted at the 15th Meeting of the Standing Committee of the Tenth National People's Congress on April 27, 2005)

第十届全国人民代表大会常务委员会第十五次会议审议了国务院《关于提请解释〈中华人民共和国香港特别行政区基本法〉第五十三条第二款的议案》。根据《中华人民共和国宪法》第六十七条第四项和《中华人民共和国香港特别行政区基本法》第一百五十八条第一款的规定，并征询全国人民代表大会常务委员会香港特别行政区基本法委员会的意见，全国人民代表大会常务委员会对《中华人民共和国香港特别行政区基本法》第五十三条第二款的规定，作如下解释：

At its 15th Meeting, the Standing Committee of the Tenth National People's Congress discussed the State Council's Proposal for Giving an Interpretation to the Second Paragraph in Article 53 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. After consulting the Committee for the Basic Law of the Hong Kong Special Administrative Region under the Standing Committee of the National People's Congress, the Standing Committee of the National People's Congress, in accordance with the provisions of the fourth paragraph in Article 67 of the Constitution of the People's Republic of China and the first paragraph in Article 158 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, gives the following interpretation to the provisions of the second paragraph in Article 53 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China:

《中华人民共和国香港特别行政区基本法》第五十三条第二款中规定：“行政长官缺位时，应在六个月内依本法第四十五条的规定产生新的行政长官。”其中“依本法第四十五条的规定产生新的行政长官”，既包括新的行政长官应依据《中华人民共和国香港特别行政区基本法》第四十五条规定的产生办法产生，也包括新的行政长官的任期应依据《中华人民共和国香港特别行政区基本法》第四十五条规定的产生办法确定。

The second paragraph in Article 53 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China stipulates, "In the event that the office of Chief Executive becomes vacant, a new Chief Executive shall be selected within six months in accordance with the provisions of Article 45 of this Law."The provision that "a new Chief Executive shall be selected in accordance with the provisions of Article 45 of this Law" means that a new Chief Executive shall be selected in accordance with the method of selection provided for under Article 45 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, and that the term of office of the new Chief Executive shall be determined in accordance with the method of selection provided for under Article 45 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China.

《中华人民共和国香港特别行政区基本法》第四十五条第三款规定：“行政长官产生的具体办法由附件一《香港特别行政区行政长官的产生办法》规定。”附件一第一条规定：“行政长官由一个具有广泛代表性的选举委员会根据本法选出，由中央人民政府任命。”第二条规定：“选举委员会每届任期五年。”第七条规定：“二〇〇七年以后各任行政长官的产生办法如需修改，须经立法会全体议员三分之二多数通过，行政长官同意，并报全国人民代表大会常务委员会批准。”上述规定表明，二〇〇七年以前，在行政长官由任期五年的选举委员会选出的制度安排下，如出现行政长官未任满《中华人民共和国香港特别行政区基本法》第四十六条规定的五年任期导致行政长官缺位的情况，新的行政长官的任期应为原行政长官的剩余任期；二〇〇七年以后，如对上述行政长官产生办法作出修改，届时出现行政长官缺位的情况，新的行政长官的任期应根据修改后的行政长官具体产生办法确定。

The third paragraph in Article 45 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China stipulates, "The specific method for selecting the Chief Executive is prescribed in Annex I:" Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region "."Appendix 1 Clause 1 stipulates, "The Chief Executive shall be elected by a broadly representative Election Committee in accordance with this Law and appointed by the Central People's Government."Article 2 thereof stipulates that "The term of office of the Election Committee shall be five years."The provisions of Article 7: "If there is a need to amend the method for selecting the Chief Executives for the terms subsequent to the year 2007, such amendments must be made with the endorsement of a two- thirds majority of all the members of the Legislative Council and the consent of the Chief Executive, and they shall be reported the Standing Committee of the National People's Congress for approval."The provisions mentioned above indicate that before the year of 2007, under the arrangement made according to the system whereby the Chief Executive is elected by the Election Committee, the term of office of which is five years, in the event that the office of Chief Executive becomes vacant before the expiration of the five years prescribed in Article 46 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, the term of office of the new Chief Executive shall be the remainder of the term of office of the previous Chief Executive; after 2007, should amendment be made to the above-mentioned method for selecting the Chief Executive, the term of office of the new Chief Executive shall be determined according to the specific method amended for selecting the Chief Executive, in the event that the office of the then Chief Executive becomes vacant.

现予公告。

It is hereby announced.