|  |  |  |
| --- | --- | --- |
| 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 | ：  : | 2011.12.31  2011.12.31 |
| 生效日期  Effective Date | ：  : | 2011.12.31  2011.12.31 |
| 时效性  Effectiveness | ：  : | 现行有效  Current |

# 全国人大常委会关于《中华人民共和国澳门特别行政区基本法》附件一第七条和附件二第三条的解释

# Interpretation by the Standing Committee of the National People's Congress Regarding Annex I (7) and Annex II (III) to the Basic Law of the Macao Special Administrative Region of the People's Republic of China

全国人大常委会关于《中华人民共和国澳门特别行政区基本法》附件一第七条和附件二第三条的解释

Interpretation by the Standing Committee of the National People's Congress Regarding Annex I (7) and Annex II (III) to the Basic Law of the Macao Special Administrative Region of the People's Republic of China

第十一届全国人民代表大会常务委员会第二十四次会议审议了委员长会议关于提请审议《全国人民代表大会常务委员会关于〈中华人民共和国澳门特别行政区基本法〉附件一第七条和附件二第三条的解释（草案）》的议案。经征询全国人民代表大会常务委员会澳门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决定，根据《中华人民共和国宪法》第六十七条第四项和《中华人民共和国澳门特别行政区基本法》第一百四十三条第一款的规定，对《中华人民共和国澳门特别行政区基本法》附件一《澳门特别行政区行政长官的产生办法》第七条“二〇〇九年及以后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”的规定和附件二《澳门特别行政区立法会的产生办法》第三条“二〇〇九年及以后澳门特别行政区立法会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备案”的规定，作如下解释：

At its 24th Meeting, the Standing Committee of the 11th National People's Congress examined the motion proposed by the Council of Chairmen requesting examination of the Draft Interpretation by the Standing Committee of the National People's Congress Regarding Annex I (7) and Annex II (III) to the Basic Law of the Macao Special Administrative Region of the People's Republic of China. Having consulted the Committee for the Basic Law of the Macao Special Administrative Region under the Standing Committee of the National People's Congress, the Standing Committee of the National People's Congress has decided, in accordance with the provisions in Subparagraph (4) of Article 67 of the Constitution of the People's Republic of China and the provisions in the first paragraph of Article 143 of the Basic Law of the Macao Special Administrative Region of the People's Republic of China, to make the following interpretation of the provisions in Article 7 of Annex I to the Basic Law of the Macao Special Administrative Region of the People's Republic of China, under the Method for the Selection of the Chief Executive of the Macao Special Administrative Region, which reads, "If there is a need to amend the method for selecting the Chief Executive for the terms subsequent to the year 2009 and beyond, 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 to the Standing Committee of the National People's Congress for approval", and the provisions in Article 3 of Annex II to the Method for the Formation of the Legislative Council of the Macao Special Administrative Region, which read, "If there is a need to amend the method for forming the Legislative Council of the Macao Special Administrative Region in the year 2009 and thereafter, such amendments must be made with the endorsement of two- thirds

一、上述两个附件中规定的二〇〇九年及以后行政长官的产生办法、立法会的产生办法“如需修改”，是指可以进行修改，也可以不进行修改。

I、 The provisions in the two Annexes mentioned above that "if there is a need to amend" the method for selecting the Chief Executive for 2009 and the method for forming the Legislative Council after 2009 mean that they may or need not be amended.

二、上述两个附件中规定的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或者备案，是指行政长官的产生办法和立法会的产生办法修改时必经的法律程序。只有经过上述程序，包括最后全国人民代表大会常务委员会依法批准或者备案，该修改方可生效。是否需要进行修改，澳门特别行政区行政长官应向全国人民代表大会常务委员会提出报告，由全国人民代表大会常务委员会依照《中华人民共和国澳门特别行政区基本法》第四十七条和第六十八条规定，根据澳门特别行政区的实际情况确定。修改行政长官产生办法和立法会产生办法的法案，应由澳门特别行政区政府向立法会提出。

II、 The provisions in the two Annexes mentioned above that any amendment 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 shall be reported to the Standing Committee of the National People's Congress for approval or for the record mean the legal procedures that must be gone through before the method for selecting the Chief Executive and the method for forming the Legislative Council are to be amended. Such amendment shall come into force only if it has gone through the said procedures, including the approval finally given by the Standing Committee of the National People's Congress in accordance with law or the putting on record. The Chief Executive of the Macao Special Administrative Region shall present a report to the Standing Committee of the National People's Congress as regards whether there is a need to make an amendment, and the Committee shall, in accordance with the provisions in Articles 47 and 68 of the Basic Law of the Macao Special Administrative Region of the People's Republic of China, make a determination on the basis of the actual conditions of the Region. Bills on amendments to the method for selecting the Chief Executive and the method for forming the Legislative Council shall be introduced by the Government of the Macao Special Administrative Region into the Legislative Council.

三、上述两个附件中规定的行政长官的产生办法、立法会的产生办法如果不作修改，行政长官的产生办法仍适用附件一关于行政长官产生办法的规定；立法会的产生办法仍适用附件二关于立法会产生办法的规定。

III、 If no amendment is made to the method for selecting the Chief Executive and the method for forming the Legislative Council, as stipulated in the two Annexes mentioned above, the provisions relating to the method for selecting the Chief Executive in Annex I shall remain applicable to the method for selecting the Chief Executive, and the provisions relating to the method for forming the Legislative Council in Annex II shall remain applicable to the method for forming the Legislative Council.

现予公告。

It is hereby announced.