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# 全国人民代表大会香港特别行政区筹备委员会关于对《中华人民共和国香港特别行政区基本法》附件三所列全国性法律作出增减的建议

# Recommendations of the Hong Kong Special Administrative Region Preparatory Committee of the National People 's Congress on Adding to or Removing from the List of the National Laws in Annex III to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China

全国人民代表大会香港特别行政区筹备委员会关于对《中华人民共和国香港特别行政区基本法》附件三所列全国性法律作出增减的建议（１９９７年５月２３日全国人民代表大会香港特别行政区筹备委员会第九次全体会议通过）

(Adopted at the 9th Plenary Session of the Preparatory Committee for the Hong Kong Special Administrative Region of the National People 's Congress on May 23, 1997)

全国人民代表大会常务委员会：

The Standing Committee of the National People's Congress,

根据香港特别行政区基本法第十八条的规定，“全国性法律除列于本法附件三者外，不在香港特别行政区实施。凡列于本法附件三之法律，由香港特别行政区在当地公布或立法实施。”“全国人民代表大会常务委员会在征询其所属的香港特别行政区基本法委员会和香港特别行政区政府的意见后，可对列于本法附件三的法律作出增减，任何列入附件三的法律，限于有关国防、外交和其它按本法规定不属于香港特别行政区自治范围的法律。”筹委会认为，在基本法公布后全国人大常委会新制定了若干法律，其中有些法律属于国防、外交和其它按基本法规定不属于香港特别行政区自治范围的法律。为此，建议全国人民代表大会常务委员会按照基本法第十八条规定的程序，在基本法实施时，作出一项决定，对列于基本法附件三的全国性法律作出增减。具体建议如下：

According to the provisions of Article 18 of the Basic Law of the Hong Kong Special Administrative Region, "National laws shall not be applied in the Hong Kong Special Administrative Region except for those listed in Annex III to this Law."The laws listed in Annex III shall be applied locally by way of promulgation or legislation by the Hong Kong Special Administrative Region. "The Standing Committee of the National People's Congress may add to or delete from the list of laws in Annex III after consulting its Committee for the Basic Law of the Hong Kong Special Administrative Region and the government of the Region. Laws listed in Annex III to this Law shall be confined to those relating to defence and foreign affairs as well as other matters outside the limits of the autonomy of the Region as specified by this Law. "The Organizing Committee is of the view that after the promulgation of the Basic Law, the Standing Committee of the National People's Congress has newly formulated a number of laws, some of which are national defence and foreign affairs laws and other laws which, in accordance with the Basic Law, do not come within the limits of the autonomy of the Hong Kong Special Administrative Region. Accordingly, it is suggested that the Standing Committee of the National People's Congress, in accordance with the procedures stipulated in Article 18 of the Basic Law, take a decision on the addition to or deletion from the list of national laws in Annex III to the Basic Law when the Basic Law is implemented. Specific suggestions are as follows:

一、在基本法附件三中增加下列全国性法律：

I. The following national laws are added to Annex III to the Basic Law:

１．《中华人民共和国国旗法》

1. Law on the National Flag of the People's Republic of China

２．《中华人民共和国领事特权与豁免条例》

2. Regulations of the People's Republic of China Concerning Consular Privileges and Immunities

３．《中华人民共和国国徽法》

3. Law on the National Emblem of the People's Republic of China

４．《中华人民共和国领海及毗连区法》

4. Law of the People's Republic of China on Territorial Sea and Contiguous Zone

５．《中华人民共和国香港特别行政区驻军法》

5. Law of the People's Republic of China on Garrisoning the Hong Kong Special Administrative Region

二、在基本法附件三中删去下列全国性法律：

II、 The following national law shall be deleted in Annex III to the Basic Law:

《中央人民政府公布中华人民共和国国徽的命令》（附：国徽图案、说明、使用办法）

Order on the National Emblem of the People's Republic of China Proclaimed by the Central People's Government (Attached: Design of the National Emblem, Notes of Explanation and Specifications)