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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实施《中华人民共和国香港特别行政区基本法》第二十四条第二款的意见

# Opinions of the Hong Kong Special Administrative Region Preparatory Committee of the National People 's Congress on the Implementation of Paragraph 2, Article 24 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China

全国人民代表大会香港特别行政区筹备委员会关于实施《中华人民共和国香港特别行政区基本法》第二十四条第二款的意见

Opinions of the Hong Kong Special Administrative Region Preparatory Committee of the National People 's Congress on the Implementation of Paragraph 2, Article 24 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China

（1996年8月10日全国人民代表大会香港特别行政区筹备委员会第四次全体会议通过）

(Adopted at the Fourth Plenary Session of the Preparatory Committee for the Hong Kong Special Administrative Region of the National People 's Congress on August 10, 1996)

《中华人民共和国香港特别行政区基本法》第二十四条第二款对香港特别行政区永久性居民的问题作出了规定。为了实施上述规定，特提出以下意见，以备香港特别行政区制定实施细则时参照。

Paragraph 2 of Article 24 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China stipulates the question of permanent residents of the Hong Kong Special Administrative Region. With a view to giving effect to the provisions mentioned above, the following proposals are made for reference by the Hong Kong Special Administrative Region in formulating its implementing rules.

一、基本法第二十四条第二款第（一）项规定的在香港出生的中国公民，是指父母双方或一方合法定居在香港期间所生的子女，不包括非法入境、逾期居留或在香港临时居留的人在香港期间所生的子女。

I. Chinese citizens born in Hong Kong as mentioned in Item (1) of the second paragraph of Article 24 of the Basic Law refer to the children born during the period when one or both of their parents settle in Hong Kong legally, excluding the children born in Hong Kong of the persons who illegally enter the territory, reside beyond the time limit or reside temporarily in Hong Kong.

二、下述情况不被视为基本法第二十四条第二款第（二）项和第（四）项规定的在香港“通常居住”：

II、 The following situations shall not be regarded as "ordinary residence" in Hong Kong as provided for in Items 2 and 4, Paragraph 2, Article 24 of the Basic Law:

（１）非法入境或于非法入境后获入境处处长准许留在香港；

(1) he/she enters illegally or is permitted by the Director of Immigration to remain in Hong Kong after entering illegally;

（２）在违反逗留期限或其他条件的情况下留在香港；

(2) his/her stay in Hong Kong in violation of his/her sojourn or other conditions;

（３）以难民身份留在香港；

(3) to remain in Hong Kong as refugees;

（４）在香港被依法羁留或被法院判处监禁；

(4) Being lawfully detained in Hong Kong or sentenced to imprisonment by a court;

（５）根据政府的专项政策获准留在香港。

(5) is permitted to remain in Hong Kong in accordance with the specific policies of the government.

三、基本法第二十四条第二款第（二）项规定的中国公民在香港通常居住“连续七年”的计算方法，应为任何时间的连续七年；基本法第二十四条第二款第（四）项规定的非中国籍人在香港通常居住“连续七年”的计算方法，应为紧接其申请成为香港特别行政区永久性居民之前的连续七年。

III、 The method of computation of "seven consecutive years" for normal residence in Hong Kong by a Chinese citizen as stipulated in item (2) of the second paragraph of Article 24 of the Basic Law shall be any period of seven consecutive years; the method of computation of "seven consecutive years" for normal residence in Hong Kong by a non- Chinese citizen as stipulated in item (4) of the second paragraph of Article 24 of the Basic Law shall be the seventh consecutive year immediately preceding the application for permanent resident in the Hong Kong Special Administrative Region.

四、基本法第二十四条第二款第（三）项规定的在香港以外出生的中国籍子女，在本人出生时，其父母双方或一方须是根据基本法第二十四条第二款第（一）项或第（二）项已经取得香港永久性居民身份的人。

IV、 With respect to a person of Chinese nationality born outside Hong Kong as provided for in sub-paragraph (3) of the second paragraph of Article 24 of the Basic Law, if, at the time of his birth, both or one of his parents has acquired permanent resident status in Hong Kong in accordance with sub-paragraph (1) or (2) of the second paragraph of Article 24 of the Basic Law.

五、基本法第二十四条第二款第（四）项规定的非中国籍人以香港为永久居住地的具体要求为：

V、 The specific requirements for a non- Chinese citizen to have his permanent residence in Hong Kong as provided in Item 4, Paragraph 2 of Article 24 of the Basic Law shall be as follows:

１．该人须在申请成为香港特别行政区永久性居民时依法签署一份声明，表示愿意以香港为永久居住地；

1. that person must, at the time of his application to become a permanent resident of the Hong Kong Special Administrative Region, sign a declaration, in accordance with law, of his willingness to take Hong Kong as his permanent residence; and

２．该人在作上述声明时须如实申报以下个人情况，供香港特别行政区政府审批其永久性居民身份时参考；

2. When making the above declaration, such person shall truthfully declare the following information about himself/herself, for reference by the Government of the Hong Kong Special Administrative Region in the examination and approval of his/her permanent resident status:

（ａ）在香港有无住所（惯常居所）；

(a) whether he has a domicile in Hong Kong (his habitual residence);

（ｂ）家庭主要成员（配偶及未成年子女）是否通常在香港居住；

(b) whether a key member of the family (spouse or minor children) usually resides in Hong Kong;

（ｃ）在香港有无正当职业或稳定的生活来源；

(c) whether he has a proper job or a stable source of income in Hong Kong;

（ｄ）在香港是否依法纳税。

(d) whether by operation of law or not.

３．该人须对声明中申报上述情况的真实性承担法律责任。香港特别行政区政府有权在需要时要求申报人提供必要的证明文件和资料，如发现申报人所作的申报与事实不符，可依法作出处理包括注销其永久性居民身份证。

3. The person shall be legally liable for the authenticity of the above information reported in the statement. The Government of the Hong Kong Special Administrative Region has the right to request, when necessary, the declarants to provide necessary supporting documents and materials. If the Government finds that the declarations made by the declarants are not in conformity with the facts, it may handle the case in accordance with the law, including canceling their permanent identity cards.

４．已取得香港永久性居民身份的非中国籍人，除特殊原因外，如在通常规定的时间限度内（时间限度由香港特别行政区规定）连续不在香港居住，即丧失以香港为永久居住地的条件，可依法注销其永久性居民身份证，不再享有香港居留权；但可依法进入香港和不受条件限制在香港居住和工作，在符合基本法第二十四条第二款有关规定的条件时可成为香港特别行政区永久性居民。

4. A person of non- Chinese nationality who has acquired the status of a permanent resident of Hong Kong may, apart from special reasons, have his permanent resident identity card cancelled according to law and cease to have the right of abode in Hong Kong if he ceases to reside in Hong Kong continuously within the time limits normally prescribed (which shall be limited by the Hong Kong Special Administrative Region), that is, he shall lose the right of permanent residence in Hong Kong. However, he may enter Hong Kong according to law and without being restricted from entering or working in Hong Kong, and may become a permanent resident of the Hong Kong Special Administrative Region if the relevant conditions prescribed in paragraph 2 of Article 24 of the Basic Law are met.

六、基本法第二十四条第二款第（五）项规定的非中国籍人在香港所生的未满２１周岁子女，在本人出生时或出生后，其父母双方或一方须是根据基本法第二十四条第二款第（四）项取得香港永久性居民身份的人。上述具有香港永久性居民身份的子女在年满２１周岁后，在符合基本法第二十四条第二款的其他有关规定的条件时可享有香港永久性居民身份。

VI、 With regard to the children under 21 years of age born in Hong Kong of a person who is not of Chinese nationality as provided for in Item 5, Paragraph 2 of Article 24 of the Basic Law, both the parents or one of them shall be persons who have acquired permanent resident status in Hong Kong in accordance with Item 4, Paragraph 2 of Article 24 of the Basic Law at or after the birth of the said person. The aforesaid children with Hong Kong permanent resident status may, upon attaining 21 years of age, enjoy Hong Kong permanent resident status if they satisfy the relevant criteria stipulated in the second paragraph of Article 24 of the Basic Law.

七、对在香港特别行政区成立以前持有香港永久性居民身份证并享有香港居留权的人，作如下安排：

VII、 The following arrangements shall be made to those who hold permanent identity cards and have the right of abode in Hong Kong before the establishment of the Hong Kong Special Administrative Region:

１．在香港出生或在香港通常居住连续满７年的中国公民，其所持有的香港永久性居民身份证在１９９７年７月１日后继续有效，享有香港特别行政区居留权。

1. The Hong Kong permanent resident identity cards held by Chinese citizens who are born in Hong Kong or who have ordinarily resided in Hong Kong for a continuous period of not less than seven years shall continue to be valid after July 1, 1997, and such citizens shall enjoy the right of abode in the Hong Kong Special Administrative Region.

２．香港特别行政区成立前具有香港永久性居民身份的人，移民海外后在１９９７年６月３０日前以外国公民身份返回香港定居，其所持有的香港永久性居民身份证在１９９７年７月１日后继续有效，享有香港特别行政区居留权。

2. Persons who, before the establishment of the Hong Kong Special Administrative Region, have the status of permanent residents of Hong Kong and who, after being resettled abroad, return to Hong Kong and settle down therein as foreign citizens before 30 June 1997 shall continue to hold such identity cards after 1 July 1997 and enjoy the right of abode in the Region.

３．香港特别行政区成立前具有香港永久性居民身份的人，如其连续不在香港居住的时间已超过规定的时间限度，而在１９９７年７月１日后以外国公民身份返回香港定居，其所持有的香港永久性居民身份证应依法注销，不再享有香港居留权，但可依法进入香港和不受条件限制在香港居住和工作，在符合基本法第二十四条有关规定的条件时成为香港特别行政区永久性居民。

3. If persons who have the status of permanent residents of Hong Kong before the establishment of the Hong Kong Special Administrative Region have not resided in Hong Kong for a continuous period of time exceeding the prescribed time limit and have returned to and settled down in Hong Kong as foreign citizens after July 1, 1997, their Hong Kong permanent resident identity cards shall be cancelled in accordance with the law and they shall no longer enjoy the right of abode in Hong Kong; however, they may enter Hong Kong in accordance with law and be restricted from residing and working in Hong Kong without condition, and may become permanent residents of the Hong Kong Special Administrative Region when the conditions prescribed in Article 24 of the Basic Law are met.