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# 中华人民共和国香港特别行政区基本法

# Basic Law of Hong Kong Special Administrative Region

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Basic Law of Hong Kong Special Administrative Region

主席令第二十六号

Presidential Decree No. 26

（1990年4月4日第七届全国人民代表大会第三次会议通过 1990年4月4日中华人民共和国主席令第二十六号公布自1997年7月1日起施行）

(Adopted at the Third Session of the Seventh National People 's Congress and promulgated by Order No. 26 of the President of the People's Republic of China on April 4, 1990)

序 言

Preamble

香港自古以来就是中国的领土，一八四零年鸦片战争以后被英国占领。一九八四年十二月十九日，中英两国政府签署了关于香港问题的联合声明，确认中华人民共和国政府于一九九七年七月一日恢复对香港行使主权，从而实现了长期以来中国人民收回香港的共同愿望。

Hong Kong has been part of China since ancient times and was occupied by Britain after the Opium War in 1840. On December 19, 1984, the Chinese and British governments signed a joint statement on the question of Hong Kong, affirming that the Government of the People's Republic of China resumed the exercise of sovereignty over Hong Kong on July 1, 1997, thus fulfilling the long-cherished common aspiration of the Chinese people for the recovery of Hong Kong.

为了维护国家的统一和领土完整，保持香港的繁荣和稳定，并考虑到香港的历史和现实情况，国家决定，在对香港恢复行使主权时，根据中华人民共和国宪法第三十一条的规定，设立香港特别行政区，并按照“一个国家，两种制度”的方针，不在香港实行社会主义的制度和政策。国家对香港的基本方针政策，已由中国政府在中英联合声明中予以阐明。

Upholding national unity and territorial integrity, maintaining the prosperity and stability of Hong Kong, and taking account of its history and realities, the People's Republic of China has decided that upon China's resumption of the exercise of sovereignty over Hong Kong, a Hong Kong Special Administrative Region will be established in accordance with the provisions of Article 31 of the Constitution of the People's Republic of China, and that under the principle of "one country, two systems", the socialist system and policies will not be practised in Hong Kong. The basic policies of the Chinese government regarding Hong Kong have been elaborated by the Chinese Government in the joint statement.

根据中华人民共和国宪法，全国人民代表大会特制定中华人民共和国香港特别行政区基本法，规定香港特别行政区实行的制度，以保障国家对香港的基本方针政策的实施。

In accordance with the Constitution of the People's Republic of China, the National People 's Congress hereby enacts the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, prescribing the systems to be practised in the Hong Kong Special Administrative Region, in order to ensure the implementation of the basic policies of the People's Republic of China regarding Hong Kong.

第一章 总 则

Chapter 1 General Provisions

第一条   香港特别行政区是中华人民共和国不可分离的部分。

Article 1 The Hong Kong Special Administrative Region is an inalienable part of the People's Republic of China.

第二条   全国人民代表大会授权香港特别行政区依照本法的规定实行高度自治，享有行政管理权、立法权、独立的司法权和终审权。

Article 2 The National People 's Congress authorizes the Hong Kong Special Administrative Region to exercise a high degree of autonomy and enjoy executive, legislative and independent judicial power, including that of final adjudication, in accordance with the provisions of this Law.

第三条   香港特别行政区的行政机关和立法机关由香港永久性居民依照本法有关规定组成。

Article 3 The executive authorities and legislature of the Hong Kong Special Administrative Region shall be composed of permanent residents of Hong Kong in accordance with the relevant provisions of this Law.

第四条   香港特别行政区依法保障香港特别行政区居民和其他人的权利和自由。

Article 4 The Hong Kong Special Administrative Region shall safeguard the rights and freedoms of the residents of the Hong Kong Special Administrative Region and of other persons in the Region in accordance with law.

第五条   香港特别行政区不实行社会主义制度和政策，保持原有的资本主义制度和生活方式，五十年不变。

Article 5 The socialist system and policies shall not be practised in the Hong Kong Special Administrative Region, and the previous capitalist system and way of life shall remain unchanged for 50 years.

第六条   香港特别行政区依法保护私有财产权。

Article 6 The Hong Kong Special Administrative Region shall protect the right of private ownership of property in accordance with law.

第七条   香港特别行政区境内的土地和自然资源属于国家所有，由香港特别行政区政府负责管理、使用、开发、出租或批给个人、法人或团体使用或开发，其收入全归香港特别行政区政府支配。

Article 7 The land and natural resources within the Hong Kong Special Administrative Region shall be State property. The Government of the Hong Kong Special Administrative Region shall be responsible for their management, use and development and for their lease or grant to individuals, legal persons or organizations for use or development. The revenues derived therefrom shall be exclusively at the disposal of the government of the Region.

第八条   香港原有法律，即普通法、衡平法、条例、附属立法和习惯法，除同本法相抵触或经香港特别行政区的立法机关作出修改者外，予以保留。

Article 8 The laws previously in force in Hong Kong, that is, the common law, rules of equity, ordinances, subordinate legislation and customary law shall be maintained, except for any that contravene this Law, and subject to any amendment by the legislature of the Hong Kong Special Administrative Region.

第九条   香港特别行政区的行政机关、立法机关和司法机关，除使用中文外，还可使用英文，英文也是正式语文。

Article 9 In addition to the Chinese language, English may also be used as an official language by the executive authorities, legislature and judiciary of the Hong Kong Special Administrative Region.

第十条   香港特别行政区除悬挂中华人民共和国国旗和国徽外，还可使用香港特别行政区区旗和区徽。

Article 10 Apart from displaying the national flag and national emblem of the People's Republic of China, the Hong Kong Special Administrative Region may also use a regional flag and regional emblem.

香港特别行政区的区旗是五星花蕊的紫荆花红旗。

The regional flag of the Hong Kong Special Administrative Region is the red flag of the bauhinia flower with five star-tipped stamens.

香港特别行政区的区徽，中间是五星花蕊的紫荆花，周围写有“中华人民共和国香港特别行政区”和英文“香港”。

The regional emblem of the Hong Kong Special Administrative Region is a bauhinia with a five-star-tipped stamen in the middle, encircled by the words "Hong Kong SAR of the People's Republic of China" and "Hong Kong" in English.

第十一条   根据中华人民共和国宪法第三十一条，香港特别行政区的制度和政策，包括社会、经济制度，有关保障居民的基本权利和自由的制度，行政管理、立法和司法方面的制度，以及有关政策，均以本法的规定为依据。

Article 11 In accordance with Article 31 of the Constitution of the People's Republic of China, the systems and policies practised in the Hong Kong Special Administrative Region, including the social and economic systems, the system for safeguarding the fundamental rights and freedoms of its residents, the executive, legislative and judicial systems, and the relevant policies, shall be based on the provisions of this Law.

香港特别行政区立法机关制定的任何法律，均不得同本法相抵触。

No law enacted by the legislature of the Hong Kong Special Administrative Region shall contravene this Law.

第二章 中央和香港特别行政区的关系

Chapter II Relationship Between the Central Authorities and the Hong Kong Special Administrative Region

第十二条   香港特别行政区是中华人民共和国的一个享有高度自治权的地方行政区域，直辖于中央人民政府。

Article 12 The Hong Kong Special Administrative Region shall be a local administrative region of the People's Republic of China, which shall enjoy a high degree of autonomy and come directly under the Central People's Government.

第十三条   中央人民政府负责管理与香港特别行政区有关的外交事务。

Article 13 The Central People's Government shall be responsible for the foreign affairs relating to the Hong Kong Special Administrative Region.

中华人民共和国外交部在香港设立机构处理外交事务。

The Ministry of Foreign Affairs of the People's Republic of China shall establish an office in Hong Kong to deal with foreign affairs.

中央人民政府授权香港特别行政区依照本法自行处理有关的对外事务。

The Central People's Government authorizes the Hong Kong Special Administrative Region to conduct relevant external affairs on its own in accordance with this Law.

第十四条   中央人民政府负责管理香港特别行政区的防务。

Article 14 The Central People's Government shall be responsible for the defence of the Hong Kong Special Administrative Region.

香港特别行政区政府负责维持香港特别行政区的社会治安。

The Government of the Hong Kong Special Administrative Region shall be responsible for the maintenance of public order in the Region.

中央人民政府派驻香港特别行政区负责防务的军队不干预香港特别行政区的地方事务。香港特别行政区政府在必要时，可向中央人民政府请求驻军协助维持社会治安和救助灾害。

Military forces stationed by the Central People's Government in the Hong Kong Special Administrative Region for defence shall not interfere in the local affairs of the Region. The Government of the Hong Kong Special Administrative Region may, when necessary, ask the Central People's Government for assistance from the garrison in the maintenance of public order or in disaster relief.

驻军人员除须遵守全国性的法律外，还须遵守香港特别行政区的法律。

In addition to abiding by national laws, members of the garrison shall abide by the laws of the Hong Kong Special Administrative Region.

驻军费用由中央人民政府负担。

Expenditure for the garrison shall be borne by the Central People's Government.

第十五条   中央人民政府依照本法第四章的规定任命香港特别行政区行政长官和行政机关的主要官员。

Article 15 The Central People's Government shall appoint the Chief Executive and the principal officials of the executive authorities of the Hong Kong Special Administrative Region in accordance with the provisions of Chapter IV of this Law.

第十六条   香港特别行政区享有行政管理权，依照本法的有关规定自行处理香港特别行政区的行政事务。

Article 16. The Hong Kong Special Administrative Region shall be vested with executive power. It shall, on its own, conduct the administrative affairs of the Region in accordance with the relevant provisions of this Law.

第十七条   香港特别行政区享有立法权。

Article 17 The Hong Kong Special Administrative Region shall be vested with legislative power.

香港特别行政区的立法机关制定的法律须报全国人民代表大会常务委员会备案。备案不影响该法律的生效。

Laws enacted by the legislature of the Hong Kong Special Administrative Region must be reported to the Standing Committee of the National People's Congress for the record. The filing shall not affect the effectiveness of such law.

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后，如认为香港特别行政区立法机关制定的任何法律不符合本法关于中央管理的事务及中央和香港特别行政区的关系的条款，可将有关法律发回，但不作修改。经全国人民代表大会常务委员会发回的法律立即失效。该法律的失效，除香港特别行政区的法律另有规定外，无溯及力。

If the Standing Committee of the National People's Congress, after consulting the Committee for the Basic Law of the Hong Kong Special Administrative Region under it, considers that any law enacted by the legislature of the Region is not in conformity with the provisions of this Law regarding affairs within the responsibility of the Central Authorities or regarding the relationship between the Central Authorities and the Region, the Standing Committee may return the law in question but shall not amend it. Any law returned by the Standing Committee of the National People's Congress shall immediately be invalidated. This invalidation shall not have retroactive effect, unless otherwise provided for in the laws of Hong Kong Special Administrative Region.

第十八条   在香港特别行政区实行的法律为本法以及本法第八条规定的香港原有法律和香港特别行政区立法机关制定的法律。

Article 18 The laws in force in the Hong Kong Special Administrative Region shall be this Law, the laws previously in force in Hong Kong as provided for in Article 8 of this Law, and the laws enacted by the legislature of the Region.

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。

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 Hong Kong Special Administrative Region.

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、外交和其他按本法规定不属于香港特别行政区自治范围的法律。

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.

全国人民代表大会常务委员会决定宣布战争状态或因香港特别行政区内发生香港特别行政区政府不能控制的危及国家统一或安全的动乱而决定香港特别行政区进入紧急状态，中央人民政府可发布命令将有关全国性法律在香港特别行政区实施。

In the event that the Standing Committee of the National People's Congress decides to declare a state of war or, by reason of turmoil within the Hong Kong Special Administrative Region which endangers national unity or security and is beyond the control of the government of the Region, decides that the Region is in a state of emergency, the Central People's Government may issue an order applying the relevant national laws in the Region.

第十九条   香港特别行政区享有独立的司法权和终审权。

Article 19. The Hong Kong Special Administrative Region shall be vested with independent judicial power, including that of final adjudication.

香港特别行政区法院除继续保持香港原有法律制度和原则对法院审判权所作的限制外，对香港特别行政区所有的案件均有审判权。

The courts of the Hong Kong Special Administrative Region shall have jurisdiction over all cases in the Region, except that the restrictions on their jurisdiction imposed by the legal system and principles previously in force in Hong Kong shall be maintained.

香港特别行政区法院对国防、外交等国家行为无管辖权。香港特别行政区法院在审理案件中遇有涉及国防、外交等国家行为的事实问题，应取得行政长官就该等问题发出的证明文件，上述文件对法院有约束力。行政长官在发出证明文件前，须取得中央人民政府的证明书。

The courts of the Hong Kong Special Administrative Region shall have no jurisdiction over acts of state such as defence and foreign affairs. The courts of Hong Kong Special Administrative Region shall obtain a certificate from the Chief Executive on questions of fact concerning acts of state such as defence and foreign affairs whenever such questions arise in the adjudication of cases. This certificate shall be binding on the courts. Before issuing such a certificate, the Chief Executive shall obtain a certifying document from the Central People's Government.

第二十条   香港特别行政区可享有全国人民代表大会和全国人民代表大会常务委员会及中央人民政府授予的其他权力。

Article 20 The Hong Kong Special Administrative Region may enjoy other powers granted to it by the National People 's Congress, the Standing Committee of the National People's Congress or the Central People's Government.

第二十一条   香港特别行政区居民中的中国公民依法参与国家事务的管理。

Article 21 Chinese citizens who are residents of the Hong Kong Special Administrative Region shall be entitled to participate in the management of state affairs according to law.

根据全国人民代表大会确定的名额和代表产生办法，由香港特别行政区居民中的中国公民在香港选出香港特别行政区的全国人民代表大会代表，参加最高国家权力机关的工作。

In accordance with the assigned number of seats and the selection method specified by the National People 's Congress, the Chinese citizens among the residents of the Hong Kong Special Administrative Region locally elect deputies of the Region to the National People's Congress to participate in the work of the highest organ of state power.

第二十二条   中央人民政府所属各部门、各省、自治区、直辖市均不得干预香港特别行政区根据本法自行管理的事务。

Article 22 No department of the Central People's Government and no province, autonomous region, or municipality directly under the Central Government may interfere in the affairs which the Hong Kong Special Administrative Region administers on its own in accordance with this Law.

中央各部门、各省、自治区、直辖市如需在香港特别行政区设立机构，须征得香港特别行政区政府同意并经中央人民政府批准。

If there is a need for departments of the Central Government, or for provinces, autonomous regions, or municipalities directly under the Central Government to set up offices in the Hong Kong Special Administrative Region, they must obtain the consent of the government of the Region and the approval of the Central People's Government.

中央各部门、各省、自治区、直辖市在香港特别行政区设立的一切机构及其人员均须遵守香港特别行政区的法律。

All offices set up in the Hong Kong Special Administrative Region by departments of the Central Government, or by provinces, autonomous regions, or municipalities directly under the Central Government, and the personnel of these offices shall abide by the laws of the Region.

中国其他地区的人进入香港特别行政区须办理批准手续，其中进入香港特别行政区定居的人数由中央人民政府主管部门征求香港特别行政区政府的意见后确定。

For entry into the Hong Kong Special Administrative Region, people from other parts of China must apply for approval. Among them, the number of persons who enter the Region for the purpose of settlement shall be determined by the competent authorities of the Central People's Government after consulting the government of the Region.

香港特别行政区可在北京设立办事机构。

The Hong Kong Special Administrative Region may establish an office in Beijing.

第二十三条   香港特别行政区应自行立法禁止任何叛国、分裂国家、煽动叛乱、颠覆中央人民政府及窃取国家机密的行为，禁止外国的政治性组织或团体在香港特别行政区进行政治活动，禁止香港特别行政区的政治性组织或团体与外国的政治性组织或团体建立联系。

Article 23. The Hong Kong Special Administrative Region shall enact laws on its own to prohibit any act of treason, secession, sedition, subversion against the Central People's Government, or theft of state secrets, to prohibit foreign political organisations or bodies from conducting political activities in the Region, and to prohibit political organisations or bodies of the Region from establishing ties with foreign political organisations or bodies.

第三章 居民的基本权利和义务

Chapter III Fundamental Rights and Duties of the Residents

第二十四条   香港特别行政区居民，简称香港居民，包括永久居民和非永久性居民。

Article 24 Residents of the Hong Kong Special Administrative Region ("Hong Kong residents") shall include permanent residents and non- permanent residents.

香港特别行政区永久性居民为：

The permanent residents of the Hong Kong Special Administrative Region shall be:

（一）在香港特别行政区成立以前或以后在香港出生的中国公民；

1. Chinese citizens born in Hong Kong before or after the establishment of the Hong Kong Special Administrative Region;

（二）在香港特别行政区成立以前或以后在香港通常居住连续七年以上的中国公民；

(II) Chinese citizens who have ordinarily resided in Hong Kong for a continuous period of not less than seven years before or after the establishment of the Hong Kong Special Administrative Region;

（三）第（一）、（二）两项所列居民在香港以外所生的中国籍子女；

3. Persons of Chinese nationality born outside Hong Kong of those residents listed in categories (1) and (2);

（四）在香港特别行政区成立以前或以后持有效旅行证件进入香港、在香港通常居住连续七年以上并以香港为永久居住地的非中国籍的人；

(IV) Persons not of Chinese nationality who have entered Hong Kong with valid travel documents, have ordinarily resided in Hong Kong for a continuous period of not less than seven years and have taken Hong Kong as their place of permanent residence before or after the establishment of the Hong Kong Special Administrative Region;

（五）在香港特别行政区成立以前或以后第（四）项所列居民在香港所生的未满二十一周岁的子女；

(V) Persons under 21 years of age born in Hong Kong of those residents listed in category (4) before or after the establishment of the Hong Kong Special Administrative Region; and

（六）第（一）至（五）项所列居民以外在香港特别行政区成立以前只在香港有居留权的人。

(VI) Persons other than those residents listed in categories (1) to (5), who, before the establishment of the Hong Kong Special Administrative Region, had the right of abode in Hong Kong only.

以上居民在香港特别行政区享有居留权和有资格依照香港特别行政区法律取得载明其居留权的永久性居民身份证。

The above-mentioned residents shall have the right of abode in the Hong Kong Special Administrative Region and shall be qualified to obtain, in accordance with the laws of the Region, permanent identity cards which state their right of abode.

香港特别行政区非永久性居民为：有资格依照香港特别行政区法律取得香港居民身份证，但没有居留权的人。

The non- permanent residents of the Hong Kong Special Administrative Region shall be persons who are qualified to obtain Hong Kong identity cards in accordance with the laws of the Region but have no right of abode.

第二十五条   香港居民在法律面前一律平等。

Article 25 All Hong Kong residents shall be equal before the law.

第二十六条   香港特别行政区永久性居民依法享有选举权和被选举权。

Article 26 Permanent residents of the Hong Kong Special Administrative Region shall have the right to vote and the right to stand for election in accordance with law.

第二十七条   香港居民享有言论、新闻、出版的自由，结社、集会、游行、示威的自由，组织和参加工会、罢工的权利和自由。

Article 27 Hong Kong residents shall have freedom of speech, of the press and of publication; freedom of association, of assembly, of procession and of demonstration; and the right and freedom to form and join trade unions, and to strike.

第二十八条   香港居民的人身自由不受侵犯。

Article 28 The freedom of the person of Hong Kong residents shall be inviolable.

香港居民不受任意或非法逮捕、拘留、监禁。禁止任意或非法搜查居民的身体、剥夺或限制居民的人身自由。禁止对居民施行酷刑、任意或非法剥夺居民的生命。

No Hong Kong resident shall be subjected to arbitrary or unlawful arrest, detention or imprisonment. Any arbitrary or unlawful search of the body of any resident or deprivation or restriction of the freedom of the person shall be prohibited. Torture of any resident or arbitrary or unlawful deprivation of the life of any resident shall be prohibited.

第二十九条   香港居民的住宅和其他房屋不受侵犯。禁止任意或非法搜查、侵入居民的住宅和其他房屋。

Article 29 The homes and other premises of Hong Kong residents shall be inviolable. Arbitrary or unlawful search of, or intrusion into, a resident's home or other premises shall be prohibited.

第三十条   香港居民的通讯自由和通讯秘密受法律的保护。除因公共安全和追查刑事犯罪的需要，由有关机关依照法律程序对通讯进行检查外，任何部门或个人不得以任何理由侵犯居民的通讯自由和通讯秘密。

Article 30 The freedom and privacy of communication of Hong Kong residents shall be protected by law. No department or individual may, on any grounds, infringe upon the freedom and privacy of communication of residents except that the relevant authorities may inspect communication in accordance with legal procedures to meet the needs of public security or of investigation into criminal offences.

第三十一条   香港居民有在香港特别行政区境内迁徙的自由，有移居其他国家和地区的自由。香港居民有旅行和出入境的自由。有效旅行证件的持有人，除非受到法律制止，可自由离开香港特别行政区，无需特别批准。

Article 31 Hong Kong residents shall have freedom of movement within the Hong Kong Special Administrative Region and freedom of emigration to other countries and regions. Hong Kong residents shall have freedom to travel and to enter or leave the country. Unless restrained by law, holders of valid travel documents shall be free to leave the Hong Kong Special Administrative Region without special approval.

第三十二条   香港居民有信仰的自由。

Article 32 Hong Kong residents shall have freedom of conscience.

香港居民有宗教信仰的自由，有公开传教和举行、参加宗教活动的自由。

Hong Kong residents shall have freedom of religious belief and freedom to preach and to conduct and participate in religious activities in public.

第三十三条   香港居民有选择职业的自由。

Article 33 Hong Kong residents shall have freedom of choice of occupation.

第三十四条   香港居民有进行学术研究、文学艺术创作和其他文化活动的自由。

Article 34 Hong Kong residents shall have freedom to engage in academic research, literary and artistic creation, and other cultural activities.

第三十五条   香港居民有权得到秘密法律咨询、向法院提起诉讼、选择律师及时保护自己的合法权益或在法庭上为其代理和获得司法补救。

Article 35 Hong Kong residents shall have the right to confidential legal advice, access to the courts, choice of lawyers for timely protection of their lawful rights and interests or for representation in the courts, and to judicial remedies.

香港居民有权对行政部门和行政人员的行为向法院提起诉讼。

Hong Kong residents shall have the right to institute legal proceedings in the courts against the acts of the executive authorities and their personnel.

第三十六条   香港居民有依法享受社会福利的权利。劳工的福利待遇和退休保障受法律保护。

Article 36 Hong Kong residents shall have the right to social welfare in accordance with law. The welfare benefits and retirement security of the labour force shall be protected by law.

第三十七条   香港居民的婚姻自由和自愿生育的权利受法律保护。

Article 37 The freedom of marriage of Hong Kong residents and their right to raise a family freely shall be protected by law.

第三十八条   香港居民享有香港特别行政区法律保障的其他权利和自由。

Article 38 Hong Kong residents shall enjoy the other rights and freedoms safeguarded by the laws of the Hong Kong Special Administrative Region.

第三十九条   《公民权利和政治权力国际公约》、《经济、社会与文化权利的国际公约》和国际劳工公约适用于香港的有关规定继续有效，通过香港特别行政区的法律予以实施。

Article 39 The provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and international labour conventions as applied to Hong Kong shall remain in force and shall be implemented through the laws of the Hong Kong Special Administrative Region.

香港居民享有的权利和自由，除依法规定外不得限制，此种限制不得与本条第一款规定抵触。

The rights and freedoms enjoyed by Hong Kong residents shall not be restricted unless as prescribed by law. Such restrictions shall not contravene the provisions of the preceding paragraph of this Article.

第四十条   “新界”原居民的合法传统权益受香港特别行政区的保护。

Article 40 The lawful traditional rights and interests of the indigenous inhabitants of the "New Territories" shall be protected by the Hong Kong Special Administrative Region.

第四十一条   在香港特别行政区境内的香港居民以外的其他人，依法享有本章规定的香港居民的权利和自由。

Article 41 Persons in the Hong Kong Special Administrative Region other than Hong Kong residents shall, in accordance with law, enjoy the rights and freedoms of Hong Kong residents prescribed in this Chapter.

第四十二条   香港居民和在香港的其他人有遵守香港特别行政区实行的法律的义务。

Article 42 Hong Kong residents and other persons in Hong Kong shall have the obligation to abide by the laws in force in the Hong Kong Special Administrative Region.

第四章 政治体制

Chapter 4 Political System

第一节 行政长官

Section 1 The Chief Executive

第四十三条   香港特别行政区行政长官是香港特别行政区的首长，代表香港特别行政区。

Article 43 The Chief Executive of the Hong Kong Special Administrative Region shall be the head of the Hong Kong Special Administrative Region and shall represent the Region.

香港特别行政区行政长官依照本法的规定对中央人民政府和香港特别行政区负责。

The Chief Executive of the Hong Kong Special Administrative Region shall be accountable to the Central People's Government and the Hong Kong Special Administrative Region in accordance with the provisions of this Law.

第四十四条   香港特别行政区行政长官由年满四十周岁，在香港通常居住连续满二十年并在外国无居留权的香港特别行政区永久性居民中的中国公民担任。

Article 44 The Chief Executive of the Hong Kong Special Administrative Region shall be a Chinese citizen of not less than 40 years of age who is a permanent resident of the Region with no right of abode in any foreign country and has ordinarily resided in Hong Kong for a continuous period of not less than 20 years.

第四十五条   香港特别行政区行政长官在当地通过选举或协商产生，由中央人民政府任命。

Article 45 The Chief Executive of the Hong Kong Special Administrative Region shall be selected by election or through consultations held locally and be appointed by the Central People's Government.

行政长官的产生办法根据香港特别行政区的实际情况和循序渐进的原则而规定，最终达至由一个有广泛代表性的提名委员会按民主程序提名后普选产生的目标。

The method for selecting the Chief Executive shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures.

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。

The specific method for selecting the Chief Executive is prescribed in Appendix I: "Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region".

第四十六条   香港特别行政区行政长官任期五年，可连任一次。

Article 46 The term of office of the Chief Executive of the Hong Kong Special Administrative Region shall be five years. He or she may serve for not more than two consecutive terms.

第四十七条   香港特别行政区行政长官必须廉洁奉公、尽忠职守。

Article 47 The Chief Executive of the Hong Kong Special Administrative Region must be a person of integrity, dedicated to his or her duties.

行政长官就任时应向香港特别行政区终审法院首席法官申报财产，记录在案。

The Chief Executive, on assuming office, shall declare his or her assets to the Chief Justice of the Court of Final Appeal of the Hong Kong Special Administrative Region. This declaration shall be put on record.

第四十八条   香港特别行政区行政长官行使下列职权：

Article 48 The Chief Executive of the Hong Kong Special Administrative Region shall exercise the following powers and functions:

（一）领导香港特别行政区政府；

1. To lead the government of Hong Kong Special Administrative Region;

（二）负责执行本法和依照本法适用于香港特别行政区的其他法律；

(II) To be responsible for the implementation of this Law and other laws which, in accordance with this Law, apply in the Hong Kong Special Administrative Region;

（三）签署立法会通过的法案，公布法律；

(III) To sign bills passed by the Legislative Council and to promulgate laws;

签署立法会通过的财政预算案，将财政预算、决算报中央人民政府备案；

To sign budgets passed by the Legislative Council and report the budgets and final accounts to the Central People's Government for the record;

（四）决定政府政策和发布行政命令；

(IV) To decide on government policies and to issue executive orders;

（五）提名并报请中央人民政府任命下列主要官员：各司司长、副司长，各局局长，廉政专员，审计署署长，警务处处长，入境事务处处长，海关关长；建议中央人民政府免除上述官员职务；

(V) To nominate and to report to the Central People's Government for appointment the following principal officials: Secretaries and Deputy Secretaries of Departments, Directors of Bureaux, Commissioner Against Corruption, Director of Audit, Commissioner of Police, Director of Immigration and Commissioner of Customs and Excise; and to recommend to the Central People's Government the removal of the above-mentioned officials;

（六）依照法定程序任免各级法院法官；

(VI) To appoint or remove judges of the courts at all levels in accordance with legal procedures;

（七）依照法定程序任免公职人员；

(VII) To appoint or remove holders of public office in accordance with legal procedures;

（八）执行中央人民政府就本法规定的有关事务发出的指令；

(VIII) To implement the directives issued by the Central People's Government in respect of the relevant matters provided for in this Law;

（九）代表香港特别行政区政府处理中央授权的对外事务和其他事务；

(IX) To conduct, on behalf of the Government of the Hong Kong Special Administrative Region, external affairs and other affairs as authorized by the Central Authorities;

（十）批准向立法会提出有关财政收入或支出的动议；

(X) To approve the introduction of motions regarding revenues or expenditure to the Legislative Council;

（十一）根据安全和重大公共利益的考虑，决定政府官员或其他负责政府公务的人员是否向立法会或其属下的委员会作证和提供证据；

(XI) To decide, in the light of security and vital public interests, whether government officials or other personnel in charge of government affairs should testify or give evidence before the Legislative Council or its committees;

（十二）赦免或减轻刑事罪犯的刑罚；

(XII) To pardon or commute criminals;

（十三）处理请愿，申诉事项。

(XIII) To handle petitions and complaints.

第四十九条   香港特别行政区行政长官如认为立法会通过的法案不符合香港特别行政区的整体利益，可在三个月内将法案发回立法会重议，立法会如以不少于全体议员三分之二多数再次通过原案，行政长官必须在一个月内签署公布或按本法第五十条的规定处理。

Article 49 If the Chief Executive of the Hong Kong Special Administrative Region considers that a bill passed by the Legislative Council is not compatible with the overall interests of the Region, he or she may return it to the Legislative Council within three months for reconsideration. If the Legislative Council passes the original bill again by not less than a two- thirds majority of all the members, the Chief Executive must sign and promulgate it within one month, or act in accordance with the provisions of Article 50 of this Law.

第五十条   香港特别行政区行政长官如拒绝签署立法会再次通过的法案或立法会拒绝通过政府提出的财政预算案或其他重要法案，经协商仍不能取得一致意见，行政长官可解散立法会。

Article 50 If the Chief Executive of the Hong Kong Special Administrative Region refuses to sign a bill passed the second time by the Legislative Council, or the Legislative Council refuses to pass a budget or any other important bill introduced by the government, and if consensus still cannot be reached after consultations, the Chief Executive may dissolve the Legislative Council.

行政长官在解散立法会前，须征询行政会议的意见。行政长官在其一任任期内只能解散立法会一次。

The Chief Executive shall consult the Executive Council before dissolving the Legislative Council. The Chief Executive may dissolve the Legislative Council only once in each term of his or her office.

第五十一条   香港特别行政区立法会如拒绝批准政府提出的财政预算案，行政长官可向立法会申请临时拨款。如果由于立法会已被解散而不能批准拨款，行政长官可在选出新的立法会前的一段时期内，按上一财政年度的开支标准，批准临时短期拨款。

Article 51 If the Legislative Council of the Hong Kong Special Administrative Region refuses to pass the budget introduced by the government, the Chief Executive may apply to the Legislative Council for provisional appropriations. If appropriations cannot be approved because the Legislative Council has been dissolved, the Chief Executive may approve temporary short-term appropriations in accordance with the expenditure standards of the preceding fiscal year for a period of time prior to the election of the new Legislative Council.

第五十二条   香港特别行政区行政长官如有下列情况之一者必须辞职：

Article 52 The Chief Executive of the Hong Kong Special Administrative Region must resign under any of the following circumstances;

（一）因严重疾病或其他原因无力履行职务；

1. When he or she loses the ability to discharge his or her duties as a result of serious illness or other reasons;

（二）因两次拒绝签署立法会通过的法案而解散立法会，重选的立法会仍以全体议员三分之二多数通过所争议的原案，而行政长官仍拒绝签署；

(II) When, after the Legislative Council is dissolved because he or she twice refuses to sign a bill passed by it, the new Legislative Council again passes by a two- thirds majority of all the members the original bill in dispute, but he or she still refuses to sign it; and

（三）因立法会拒绝通过财政预算案或其他重要法案而解散立法会，重选的立法会继续拒绝通过所争议的原案。

(III) When, after the Legislative Council is dissolved because it refuses to pass a budget or any other important bill, the new Legislative Council still refuses to pass the original bill in dispute.

第五十三条   香港特别行政区行政长官短期不能履行职务时，由政务司长、财政司长、律政司长依次临时代理其职务。

Article 53 If the Chief Executive of the Hong Kong Special Administrative Region is not able to discharge his or her duties for a short period, such duties shall temporarily be assumed by the Administrative Secretary, Financial Secretary or Secretary of Justice in this order of precedence.

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。行政长官缺位期间的职务代理，依照上款规定办理。

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. During the period of vacancy, his or her duties shall be assumed according to the provisions of the preceding paragraph.

第五十四条   香港特别行政区行政会议是协助行政长官决策的机构。

Article 54 The Executive Council of the Hong Kong Special Administrative Region shall be an organ for assisting the Chief Executive in policy-making.

第五十五条   香港特别行政区行政会议的成员由行政长官从行政机关的主要官员、立法会议员和社会人士中委任，其任免由行政长官决定。行政会议成员的任期应不超过委任他的行政长官的任期。

Article 55 Members of the Executive Council of the Hong Kong Special Administrative Region shall be appointed by the Chief Executive from among the principal officials of the executive authorities, members of the Legislative Council and public figures. Their appointment or removal shall be decided by the Chief Executive. Members of the Executive Council shall serve for a term not longer than that of the Chief Executive who appointed them.

香港特别行政区行政会议成员由在外国无居留权的香港特别行政区永久性居中的中国公民担任。

Members of the Executive Council of the Hong Kong Special Administrative Region shall be Chinese citizens who are permanent residents of the Region with no right of abode in any foreign country.

行政长官认为必要时可邀请有关人士列席会议。

The Chief Executive may, as he or she deems necessary, invite other persons concerned to sit in on meetings of the Council.

第五十六条   香港特别行政区行政会议由行政长官主持。

Article 56 The Executive Council of the Hong Kong Special Administrative Region shall be presided over by the Chief Executive.

行政长官在作出重要决策、向立法会提交法案、制定附属法规和解散立法会前，须征询行政会议的意见，但人事任免、纪律制裁和紧急情况下采取的措施除外。

Except for the appointment, removal and disciplining of officials and the adoption of measures in emergencies, the Chief Executive shall consult the Executive Council before making important policy decisions, introducing bills to the Legislative Council, making subordinate legislation, or dissolving the Legislative Council.

行政长官如不采纳行政会议多数成员的意见，应将具体理由记录在案。

If the Chief Executive does not accept a majority opinion of the Executive Council, he or she shall put the specific reasons on record.

第五十七条   香港特别行政区设立廉政公署，独立工作，对行政长官负责。

Article 57 A Commission Against Corruption shall be established in the Hong Kong Special Administrative Region. It shall function independently and be accountable to the Chief Executive.

第五十八条   香港特别行政区设立审计署，独立工作，对行政长官负责。

Article 58 A Commission of Audit shall be established in the Hong Kong Special Administrative Region. It shall function independently and be accountable to the Chief Executive.

第二节 行政机关

Section 2 Administrative Organs

第五十九条   香港特别行政区政府是香港特别行政区行政机关。

Article 59 The Government of the Hong Kong Special Administrative Region shall be the executive authorities of the Region.

第六十条   香港特别行政区政府的首长是香港特别行政区行政长官。

Article 60 The head of the Government of the Hong Kong Special Administrative Region shall be the Chief Executive of the Region.

香港特别行政区政府设政务司、财政司、律政司和各局、处、署。

There shall be a Department of Administration, a Department of Finance, a Department of Justice, and various bureaux, divisions and commissions in the Government of the Hong Kong Special Administrative Region.

第六十一条   香港特别行政区的主要官员由在香港通常居住连续满十五年并在外国无居留权的香港特别行政区永久性居民中的中国公民担任。

Article 61 The principal officials of the Hong Kong Special Administrative Region shall be Chinese citizens who are permanent residents of the Region with no right of abode in any foreign country and have ordinarily resided in Hong Kong for a continuous period of not less than 15 years.

第六十二条   香港特别行政区政府行使下列职权：

Article 62 The Government of the Hong Kong Special Administrative Region shall exercise the following powers and functions:

（一）制定并执行政策；

1. formulating and implementing policies;

（二）管理各项行政事务；

(II) To conduct administrative affairs;

（三）办理本法规定的中央人民政府授权的对外事务；

3. To conduct external affairs as authorized by the Central People's Government under this Law;

（四）编制并提出财政预算、决算；

(IV) To draw up and introduce budgets and final accounts;

（五）拟定并提出法案、议案、附属法规；

(V) To draft and introduce bills, motions and subordinate legislation; and

（六）委派官员列席立法会并代表政府发言。

(VI) To designate officials to sit in on the meetings of the Legislative Council and to speak on behalf of the government.

第六十三条   香港特别行政区律政司主管刑事检察工作，不受任何干涉。

Article 63 The Department of Justice of the Hong Kong Special Administrative Region shall control criminal prosecutions, free from any interference.

第六十四条   香港特别行政区政府必须遵守法律，对香港特别行政区立法会负责：执行立法会通过并已生效的法律；定期向立法会作施政报告；答复立法会议员的质询；征税和公共开支须经立法会批准。

Article 64. The Government of the Hong Kong Special Administrative Region must abide by the law and be accountable to the Legislative Council of the Region: it shall implement laws passed by the Council and already in force; it shall present regular policy addresses to the Council; it shall answer questions raised by members of the Council; and it shall obtain approval from the Council for taxation and public expenditure.

第六十五条   原由行政机关设立咨询组织的制度继续保留。

Article 65 The previous system of establishing advisory bodies by the executive authorities shall be maintained.

第三节 立法机关

Section 3 The Legislature

第六十六条   香港特别行政区立法会是香港特别行政区的立法机关。

Article 66 The Legislative Council of the Hong Kong Special Administrative Region shall be the legislature of the Region.

第六十七条   香港特别行政区立法会由在外国无居留权的香港特别行政区永久性居民中的中国公民组成。但非中国籍的香港特别行政区永久性居民和在外国有居留权的香港特别行政区永久性居民也可以当选为香港特别行政区立法会议员，其所占比例不得超过立法会全体议员的百分之二十。

Article 67 The Legislative Council of the Hong Kong Special Administrative Region shall be composed of Chinese citizens who are permanent residents of the Region with no right of abode in any foreign country. However, permanent residents of Hong Kong Special Administrative Region who are not of Chinese nationality or who have the right of abode in foreign countries may also be elected members of the Legislative Council of Hong Kong Special Administrative Region, provided that the proportion of such members does not exceed 20 percent of the total membership of the Council.

第六十八条   香港特别行政区立法会由选举产生。

Article 68 The Legislative Council of the Hong Kong Special Administrative Region shall be constituted by election.

立法会的产生办法根据香港特别行政区的实际情况和循序渐进的原则而规定，最终达至全部议员由普选产生的目标。

The method for forming the Legislative Council shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The ultimate aim is the election of all the members of the Legislative Council by universal suffrage.

立法会产生的具体办法和法案、议案的表决程序由附件二《香港特别行政区立法会的产生办法和表决程序》规定。

The specific method for forming the Legislative Council and its procedures for voting on bills and motions are prescribed in Appendix II: "Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and Its Voting Procedures".

第六十九条   香港特别行政区立法会除第一届任期为两年外，每届任期四年。

Article 69 The term of office of the Legislative Council of the Hong Kong Special Administrative Region shall be four years, except the first term which shall be two years.

第七十条   香港特别行政区立法会如经行政长官依本法规定解散，须于三个月内依本法第六十八条的规定，重行选举产生。

Article 70 If the Legislative Council of the Hong Kong Special Administrative Region is dissolved by the Chief Executive in accordance with the provisions of this Law, it must, within three months, be reconstituted by election in accordance with Article 68 of this Law.

第七十一条   香港特别行政区立法会主席由立法会议员互选产生。

Article 71 The President of the Legislative Council of the Hong Kong Special Administrative Region shall be elected by and from among the members of the Legislative Council.

香港特别行政区立法会主席由年满四十周岁，在香港通常居住连续满二十年并在外国无居留权的香港特别行政区永久性居民中的中国公民担任。

The President of the Legislative Council of the Hong Kong Special Administrative Region shall be a Chinese citizen of not less than 40 years of age, who is a permanent resident of the Region with no right of abode in any foreign country and has ordinarily resided in Hong Kong for a continuous period of not less than 20 years.

第七十二条   香港特别行政区立法会主席行使下列职权：

Article 72 The President of the Legislative Council of the Hong Kong Special Administrative Region shall exercise the following powers and functions:

（一）主持会议；

1. To preside over meetings;

（二）决定议程，政府提出的议案须优先列入议程；

(II) To decide on the agenda, giving priority to government bills for inclusion in the agenda;

（三）决定开会时间；

(III) To decide on the time of meetings;

（四）在休会期间可召开特别会议；

(IV) To call special sessions during the recess;

（五）应行政长官的要求召开紧急会议；

(V) To call emergency sessions on the request of the Chief Executive; and

（六）立法会议事规则所规定的其他职权。

(VI) To exercise other powers and functions as prescribed in the rules of procedure of the Legislative Council.

第七十三条   香港特别行政区立法会行使下列职权：

Article 73 The Legislative Council of the Hong Kong Special Administrative Region shall exercise the following powers and functions:

（一）根据本法规定并依照法定程序制定、修改和废除法律；

1. to enact, amend or repeal laws in accordance with the provisions of this Law and legal procedures;

（二）根据政府的提案，审核、通过财政预算；

2. To examine and approve budgets introduced by the government;

（三）批准税收和公共开支；

(III) To approve taxation and public expenditure;

（四）听取行政长官的施政报告并进行辩论；

(IV) To receive and debate the policy addresses of the Chief Executive;

（五）对政府的工作提出质询；

(V) To raise questions on the work of the government;

（六）就任何有关公共利益问题进行辩论；

(VI) To debate any issue concerning public interests;

（七）同意终审法院法官和高等法院首席法官的任免；

(VII) To endorse the appointment and removal of the judges of the Court of Final Appeal and the Chief Judge of the High Court;

（八）接受香港居民申诉并作出处理；

(VIII) To receive and handle complaints from Hong Kong residents;

（九）如立法会全体议员的四分之一联合动议，指控行政长官有严重违法或渎职行为而不辞职，经立法会通过进行调查，立法会可委托终审法院首席法官负责组成独立的调查委员会，并担任主席。调查委员会负责进行调查，并向立法会提出报告。如该调查委员会认为有足够证据构成上述指控，立法会以全体议员三分之二多数通过，可提出弹劾案，报请中央人民政府决定。

(IX) If a motion initiated jointly by one-fourth of all the members of the Legislative Council charges the Chief Executive with serious breach of law or dereliction of duty and if he or she refuses to resign, the Council may, after passing a motion for investigation, give a mandate to the Chief Justice of the Court of Final Appeal to form and chair an independent investigation committee. The committee shall be responsible for carrying out the investigation and reporting its findings to the Council. If the committee considers the evidence sufficient to substantiate such charges, the Council may pass a motion of impeachment by a two- thirds majority of all its members and report it to the Central People's Government for decision.

（十）在行使上述各项职权时，如有需要，可传召有关人士出席作证和提供证据。

(X) To summon, as required when exercising the above-mentioned powers and functions, persons concerned to testify or give evidence.

第七十四条   香港特别行政区立法会议员根据本法规定并依照法定程序提出法律草案，凡不涉及公共开支或政治体制或政府运作者，可由立法会议员个别或联名提出。凡涉及政府政策者，在提出前必须得到行政长官的书面同意。

Article 74 Members of the Legislative Council of the Hong Kong Special Administrative Region may introduce bills in accordance with the provisions of this Law and legal procedures. Bills which do not relate to public expenditure or political structure or the operation of the government may be introduced individually or jointly by members of the Council. The written consent of the Chief Executive is required before any proposal relating to government policy can be made.

第七十五条   香港特别行政区立法会举行会议的法定人数为不少于全体议员的二分之一。

Article 75 The quorum for the meeting of the Legislative Council of the Hong Kong Special Administrative Region shall be not less than one half of all its members.

立法会议事规则由立法会自行制定，但不得与本法相抵触。

The rules of procedure of the Legislative Council shall be made by the Council on its own, provided that they do not contravene this Law.

第七十六条   香港特别行政区立法会通过的法案，须经行政长官签署、公布，方能生效。

Article 76 A bill passed by the Legislative Council of the Hong Kong Special Administrative Region may take effect only after it is signed and promulgated by the Chief Executive.

第七十七条   香港特别行政区立法会议员在立法会的会议上发言，不受法律追究。

Article 77 Members of the Legislative Council of the Hong Kong Special Administrative Region shall be immune from legal action in respect of their statements at meetings of the Council.

第七十八条   香港特别行政区立法会议员在出席会议时和赴会途中不受逮捕。

Article 78 Members of the Legislative Council of the Hong Kong Special Administrative Region shall not be subjected to arrest when attending or on their way to a meeting of the Council.

第七十九条   香港特别行政区立法会议员如有下列情况之一，由立法会主席宣告其丧失立法会议员的资格：

Article 79 The President of the Legislative Council of the Hong Kong Special Administrative Region shall declare that a member of the Council is no longer qualified for the office under any of the following circumstances:

（一）因严重疾病或其他情况无力履行职务；

1. When he or she loses the ability to discharge his or her duties as a result of serious illness or other reasons;

（二）未得到立法会主席的同意，连续三个月不出席会议而无合理解释者；

(II) When he or she, with no valid reason, is absent from meetings for three consecutive months without the consent of the President of the Legislative Council;

（三）丧失或放弃香港特别行政区永久性居民的身份；

(III) When he or she loses or renounces his or her status as a permanent resident of Hong Kong Special Administrative Region;

（四）接受政府的委任而出任公务人员；

4. When he or she accepts a government appointment and becomes a public servant;

（五）破产或经法庭裁定偿还债务而不履行；

(V) When he or she is bankrupt or fails to comply with a court order to repay debts;

（六）在香港特别行政区区内或区外被判犯有刑事罪行，判处监禁一个月以上，并经立法会出席会议的议员三分之二通过解除其职务；

(VI) When he or she is sentenced to imprisonment for one month or more for a criminal offence committed within or outside Hong Kong Special Administrative Region and is relieved of his or her duties by a motion passed by two- thirds of the members of the Legislative Council present; and

（七）行为不检或违反誓言而经立法会出席会议的议员三分之二通过谴责。

(VII) When he or she is censured for misbehaviour or breach of oath by a vote of two- thirds of the members of the Legislative Council present.

第四节 司法机关

Section 4. Jurisdiction.

第八十条   香港特别行政区各级法院是香港特别行政区的司法机关，行使香港特别行政区的审判权。

Article 80 The courts of the Hong Kong Special Administrative Region at all levels shall be the judiciary of the Region, exercising the judicial power of the Region.

第八十一条   香港特别行政区设立终审法院、高等法院、区域法院、裁判署法庭和其他专门法庭。高等法院设上诉法庭和原讼法庭。

Article 81 The Court of Final Appeal, the High Court, district courts, magistrates' courts and other special courts shall be established in the Hong Kong Special Administrative Region. The High Court shall consist of the Court of Appeal and the Court of First Instance.

原在香港实行的司法体制，除因设立香港特别行政区终审法院而产生变化外，予以保留。

The judicial system previously practised in Hong Kong shall be maintained except for those changes consequent upon the establishment of the Court of Final Appeal of the Hong Kong Special Administrative Region.

第八十二条   香港特别行政区的终审权属于香港特别行政区终审法院。终审法院可根据需要邀请其他普通法适用地区的法官参加审判。

Article 82 The power of final adjudication of the Hong Kong Special Administrative Region shall be vested in the Court of Final Appeal of the Region. The Court of Final Appeal may as required invite judges from other common law jurisdictions to participate in the trials.

第八十三条   香港特别行政区各级法院的组织和职权由法律规定。

Article 83 The structure, powers and functions of the courts of the Hong Kong Special Administrative Region at all levels shall be prescribed by law.

第八十四条   香港特别行政区法院依照本法第十八条所规定的适用于香港特别行政区的法律审判案件，其他普通法适用地区的司法判例可作参考。

Article 84 The courts of the Hong Kong Special Administrative Region shall adjudicate cases in accordance with the laws applicable in the Region as prescribed in Article 18 of this Law and may refer to precedents of other common law jurisdictions.

第八十五条   香港特别行政区法院独立进行审判，不受任何干涉，司法人员履行审判职责的行为不受法律追究。

Article 85 The courts of the Hong Kong Special Administrative Region shall exercise judicial power independently, free from any interference. Members of the judiciary shall be immune from legal action in the performance of their judicial functions.

第八十六条   原在香港实行的陪审制度的原则予以保留。

Article 86 The principle of trial by jury previously practised in Hong Kong shall be maintained.

第八十七条   香港特别行政区的刑事诉讼和民事诉讼中保留原在香港适用的原则和当事人享有的权利。

Article 87 In criminal or civil proceedings in the Hong Kong Special Administrative Region, the principles previously applied in Hong Kong and the rights previously enjoyed by parties to proceedings shall be maintained.

任何人在被合法拘捕后，享有尽早接受司法机关公正审判的权利，未经司法机关判罪之前均假定无罪。

Anyone who is lawfully arrested shall have the right to a fair trial by the judicial organs without delay and shall be presumed innocent until convicted by the judicial organs.

第八十八条   香港特别行政区法院的法官，根据当地法官和法律界及其他方面知名人士组成的独立委员会推荐，由行政长官任命。

Article 88 Judges of the courts of the Hong Kong Special Administrative Region shall be appointed by the Chief Executive on the recommendation of an independent commission composed of local judges, persons from the legal profession and eminent persons from other sectors.

第八十九条   香港特别行政区法院的法官只有在无力履行职责或行为不检的情况下，行政长官才可根据终审法院首席法官任命的不少于三名当地法官组成的审议庭的建议，予以免职。

Article 89 A judge of a court of the Hong Kong Special Administrative Region may only be removed for inability to discharge his or her duties, or for misbehaviour, by the Chief Executive on the recommendation of a tribunal appointed by the Chief Justice of the Court of Final Appeal and consisting of not fewer than three local judges.

香港特别行政区终审法院的首席法官只有在无力履行职责或行为不检的情况下，行政长官才可任命不少于五名当地法官组成的审议庭进行审议，并可根据其建议，依照本法规定的程序，予以免职。

The Chief Justice of the Court of Final Appeal of the Hong Kong Special Administrative Region may be investigated only for inability to discharge his or her duties, or for misbehaviour, by a tribunal appointed by the Chief Executive and consisting of not fewer than five local judges and may be removed by the Chief Executive on the recommendation of the tribunal and in accordance with the procedures prescribed in this Law.

第九十条   香港特别行政区终审法院和高等法院的首席法官，应由在外国无居留权的香港特别行政区永久性居民中的中国公民担任。

Article 90 The Chief Justice of the Court of Final Appeal and the Chief Judge of the High Court of the Hong Kong Special Administrative Region shall be Chinese citizens who are permanent residents of the Region with no right of abode in any foreign country.

除本法第八十八条和第八十九条规定的程序外，香港特别行政区终审法院的法官和高等法院首席法官的任命或免职，还须由行政长官征得立法会同意，并报全国人民代表大会常务委员会备案。

In the case of the appointment or removal of judges of the Court of Final Appeal and the Chief Judge of the High Court of the Hong Kong Special Administrative Region, the Chief Executive shall, in addition to following the procedures prescribed in Articles 88 and 89 of this Law, obtain the endorsement of the Legislative Council and report such appointment or removal to the Standing Committee of the National People's Congress for the record.

第九十一条   香港特别行政区法官以外的其他司法人员原有的任免制度继续保持。

Article 91 The Hong Kong Special Administrative Region shall maintain the previous system of appointment and removal of members of the judiciary other than judges.

第九十二条   香港特别行政区的法官和其他司法人员，应根据其本人的司法和专业才能选用，并可从其他普通法适用地区聘用。

Article 92 Judges and other members of the judiciary of the Hong Kong Special Administrative Region shall be chosen on the basis of their judicial and professional qualities and may be recruited from other common law jurisdictions.

第九十三条   香港特别行政区成立前在香港任职的法官和其他司法人员均可留用，其年资予以保留，薪金、津贴、福利待遇和服务条件不低于原来的标准。

Article 93 Judges and other members of the judiciary serving in Hong Kong before the establishment of the Hong Kong Special Administrative Region may all remain in employment and retain their seniority with pay, allowances, benefits and conditions of service no less favourable than before.

对退休或符合规定离职的法官和其他司法人员，包括香港特别行政区成立前已退休或离职者，不论其所属国籍或居住地点，香港特别行政区政府按不低于原来的标准，向他们或其家属支付应得的退休金、酬金、津贴和福利费。

The Government of the Hong Kong Special Administrative Region shall pay to judges and other members of the judiciary who retire or leave the service in compliance with regulations, including those who have retired or left the service before the establishment of the Hong Kong Special Administrative Region, or to their dependants, all pensions, gratuities, allowances and benefits due to them on terms no less favourable than before, irrespective of their nationality or place of residence.

第九十四条   香港特别行政区政府可参照原在香港实行的办法，作出有关当地和外来的律师在香港特别行政区工作和执业的规定。

Article 94 On the basis of the system previously operating in Hong Kong, the Government of the Hong Kong Special Administrative Region may make provisions for local lawyers and lawyers from outside Hong Kong to work and practise in the Region.

第九十五条   香港特别行政区可与全国其他地区的司法机关通过协商依法进行司法方面的联系和相互提供协助。

Article 95. The Hong Kong Special Administrative Region may, through consultations and in accordance with law, maintain juridical relations with the judicial organs of other parts of the country, and they may render assistance to each other.

第九十六条   在中央人民政府协助或授权下，香港特别行政区政府可与外国就司法互助关系作出适当安排。

Article 96 With the assistance or authorization of the Central People's Government, the Government of the Hong Kong Special Administrative Region may make appropriate arrangements with foreign states for reciprocal juridical assistance.

第五节 区域组织

Section 5 Regional organizations

第九十七条   香港特别行政区可设立非政权性的区域组织，接受香港特别行政区政府就有关地区管理和其他事务的咨询，或负责提供文化、康乐、环境卫生等服务。

Article 97 District organizations which are not organs of political power may be established in the Hong Kong Special Administrative Region, to be consulted by the government of the Region on district administration and other affairs, or to be responsible for providing services in such fields as culture, recreation and environmental sanitation.

第九十八条   区域组织的职权和组成方法由法律规定。

Article 98 The powers and functions of the district organizations and the method for their formation shall be prescribed by law.

第六节 公务人员

Section 6 Public Servants

第九十九条   在香港特别行政区政府各部门任职的公务人员必须是香港特别行政区永久性居民。本法第一百零一条对外籍公务人员另有规定者或法律规定某一职级以下者不在此限。

Article 99 Public servants serving in all government departments of the Hong Kong Special Administrative Region must be permanent residents of the Region. Otherwise provided for in Article 101 of this Law governing foreign public servants or required by law to be below a certain rank.

公务人员必须尽忠职守，对香港特别行政区政府负责。

Public servants must be dedicated to their duties and be responsible to the Government of the Hong Kong Special Administrative Region.

第一百条   香港特别行政区成立前在香港政府各部门，包括警察部门任职的公务人员均可留用，其年资予以保留，薪金、津贴、福利待遇和服务条件不低于原来的标准。

Article 100 Public servants serving in all Hong Kong government departments, including the police department, before the establishment of the Hong Kong Special Administrative Region, may all remain in employment and retain their seniority with pay, allowances, benefits and conditions of service no less favourable than before.

第一百零一条   香港特别行政区政府可任用原香港公务人员中的或持有香港特别行政区永久性居民身份证的英籍和其他外籍人士担任政府部门的各级公务人员，但下列各职级的官员必须由在外国无居留权的香港特别行政区永久性居民中的中国公民担任：各司司长、副司长，各局局长，廉政专员，审计署署长，警务处处长，入境事务处处长，海关关长。

Article 101 The Government of the Hong Kong Special Administrative Region may employ British and other foreign nationals previously serving in the public service in Hong Kong, or those holding permanent identity cards of the Region, to serve as public servants in government departments at all levels, but only Chinese citizens among permanent residents of the Region with no right of abode in any foreign country may fill the following posts: the Secretaries and Deputy Secretaries of Departments, Directors of Bureaux, Commissioner Against Corruption, Director of Audit, Commissioner of Police, Director of Immigration and Commissioner of Customs and Excise.

香港特别行政区政府还可聘请英籍和其他外籍人士担任政府部门的顾问，必要时并可从香港特别行政区以外聘请合格人员担任政府部门的专门和技术职务。上述外籍人士只能以个人身份受聘，对香港特别行政区政府负责。

The Government of the Hong Kong Special Administrative Region may also employ British and other foreign persons as advisers to government departments and, when required, may retain qualified personnel from outside the Region to fill professional and technical positions in government departments. These foreign nationals shall be employed only in their individual capacities and shall be responsible to the government of Hong Kong Special Administrative Region.

第一百零二条   对退休或符合规定离职的公务人员，包括香港特别行政区成立前退休或符合规定离职的公务人员，不论其所属国籍或居住地点，香港特别行政区政府按不低于原来的标准向他们或其家属支付应得的退休金、酬金、津贴和福利费。

Article 102 The Government of the Hong Kong Special Administrative Region shall pay to public servants who retire or who leave the service in compliance with regulations, including those who have retired or who have left the service in compliance with regulations before the establishment of the Hong Kong Special Administrative Region, or to their dependants, all pensions, gratuities, allowances and benefits due to them on terms no less favourable than before, irrespective of their nationality or place of residence.

第一百零三条   公务人员应根据其本人的资格、经验和才能予以任用和提升，香港原有关于公务人员的招聘、雇用、考核、纪律、培训和管理的制度，包括负责公务人员的任用、薪金、服务条件的专门机构，除有关给予外籍人员特权待遇的规定外，予以保留。

Article 103. The appointment and promotion of public servants shall be on the basis of their qualifications, experience and ability. Hong Kong's previous system of recruitment, employment, assessment, discipline, training and management for the public service, including special bodies for their appointment, pay and conditions of service, shall be maintained, except for any provisions for privileged treatment of foreign nationals.

第一百零四条   香港特别行政区行政长官、主要官员、行政会议成员、立法会议员、各级法院法官和其他司法人员在就职时必须依法宣誓拥护中华人民共和国香港特别行政区基本法，效忠中华人民共和国香港特别行政区。

Article 104 When assuming office, the Chief Executive, principal officials, members of the Executive Council and of the Legislative Council, judges of the courts at all levels and other members of the judiciary in the Hong Kong Special Administrative Region must, in accordance with law, swear to uphold the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and swear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

第五章 经 济

Chapter 5 Economic

第一节 财政、金融、贸易和工商业

Section 1 Public Finance, Monetary Affairs, Trade, Industry and Commerce

第一百零五条   香港特别行政区依法保护私人和法人财产的取得、使用、处置和继承的权利，以及依法征用私人和法人财产时被征用财产的所有人得到补偿的权利。

Article 105. The Hong Kong Special Administrative Region shall, in accordance with law, protect the right of individuals and legal persons to the acquisition, use, disposal and inheritance of property and their right to compensation for lawful deprivation of their property.

征用财产的补偿应相当于该财产当时的实际价值，可自由兑换，不得无故迟延支付。

Such compensation shall correspond to the real value of the property concerned at the time and shall be freely convertible and paid without undue delay.

企业所有权和外来投资均受法律保护。

The ownership of enterprises and the investments from outside the Region shall be protected by law.

第一百零六条   香港特别行政区保持财政独立。

Article 106 The Hong Kong Special Administrative Region shall have independent finances.

香港特别行政区的财政收入全部用于自身需要，不上缴中央人民政府。

The Hong Kong Special Administrative Region shall use its financial revenues exclusively for its own purposes, and they shall not be handed over to the Central People's Government.

中央人民政府不在香港特别行政区征税。

The Central People's Government shall not levy taxes in the Hong Kong Special Administrative Region.

第一百零七条   香港特别行政区的财政预算以量入为出为原则，力求收支平衡，避免赤字，并与本地生产总值的增长率相适应。

Article 107. The Hong Kong Special Administrative Region shall follow the principle of keeping expenditure within the limits of revenues in drawing up its budget, and strive to achieve a fiscal balance, avoid deficits and keep the budget commensurate with the growth rate of its gross domestic product.

第一百零八条   香港特别行政区实行独立的税收制度。

Article 108 The Hong Kong Special Administrative Region shall practise an independent taxation system.

香港特别行政区参照原在香港实行的低税政策，自行立法规定税种、税率、税收宽免和其他税务事项。

The Hong Kong Special Administrative Region shall, taking the low tax policy previously pursued in Hong Kong as reference, enact laws on its own concerning types of taxes, tax rates, tax reductions, allowances and exemptions, and other matters of taxation.

第一百零九条   香港特别行政区政府提供适当的经济和法律环境，以保持香港的国际金融中心地位。

Article 109 The Government of the Hong Kong Special Administrative Region shall provide an appropriate economic and legal environment for the maintenance of the status of Hong Kong as an international financial centre.

第一百一十条   香港特别行政区的货币金融制度由法律规定。

Article 110 The monetary and financial systems of the Hong Kong Special Administrative Region shall be prescribed by law.

香港特别行政区政府自行制定货币金融政策，保障金融企业和金融市场的经营自由，并依法进行管理和监督。

The Government of the Hong Kong Special Administrative Region shall, on its own, formulate monetary and financial policies, safeguard the free operation of financial business and financial markets, and regulate and supervise them in accordance with law.

第一百一十一条   港元为香港特别行政区法定货币，继续流通。

Article 111 The Hong Kong dollar, as the legal tender in the Hong Kong Special Administrative Region, shall continue to circulate.

港币的发行权属于香港特别行政区政府。港币的发行须有百分之百的准备金。港币的发行制度和准备金制度，由法律规定。

The authority to issue Hong Kong dollars shall be vested in the Government of the Hong Kong Special Administrative Region. The issue of Hong Kong dollars requires a 100% reserve fund. The system regarding the issue of Hong Kong currency and the reserve fund system shall be prescribed by law.

香港特别行政区政府，在确知港币的发行基础健全和发行安排符合保持港币稳定的目的的条件下，可授权指定银行根据法定权限发行或继续发行港币。

The Government of the Hong Kong Special Administrative Region may authorise designated banks to issue or continue to issue Hong Kong currency under statutory authority after it has been satisfied that Hong Kong currency is being issued on a sound basis and that the arrangements for such issue are made for the purpose of maintaining the stability of the Hong Kong currency.

第一百一十二条   香港特别行政区不实行外汇管制政策。港币自由兑换。继续开放外汇、黄金、证券、期货等市场。

Article 112 No foreign exchange control policies shall be applied in the Hong Kong Special Administrative Region. The Hong Kong dollar is freely convertible. Markets for foreign exchange, gold, securities and futures shall continue.

香港特别行政区政府保障资金的流动和进出自由。

The Government of the Hong Kong Special Administrative Region shall safeguard the free flow of capital within, into and out of the Region.

第一百一十三条   香港特别行政区的外汇基金，由香港特别行政区政府管理和支配，主要用于调节港元汇价。

Article 113 The Exchange Fund of the Hong Kong Special Administrative Region shall be managed and controlled by the government of the Region, primarily for regulating the exchange value of the Hong Kong dollar.

第一百一十四条   香港特别行政区保持自由港地位，除法律另有规定外，不征收关税。

Article 114 The Hong Kong Special Administrative Region shall maintain the status of a free port and shall not impose any tariff unless otherwise prescribed by law.

第一百一十五条   香港特别行政区实行自由贸易政策，保障货物、无形财产和资本的流动自由。

Article 115 The Hong Kong Special Administrative Region shall pursue the policy of free trade and safeguard the free movement of goods, intangible assets and capital.

第一百一十六条   香港特别行政区为单独的关税地区。

Article 116 The Hong Kong Special Administrative Region shall be a separate customs territory.

香港特别行政区可以“中国香港”的名义参加《关税和贸易总协定》、关于国际纺织品贸易安排等有关国际组织和国际贸易协定，包括优惠贸易安排。

The Hong Kong Special Administrative Region may, using the name "Hong Kong, China", participate in relevant international organizations and international trade agreements (including preferential trade arrangements), such as the General Agreement on Tariffs and Trade and arrangements regarding international trade in textiles.

香港特别行政区所取得的和以前取得仍继续有效的出口配额、关税优惠和达成的其他类似安排，全由香港特别行政区享有。

Export quotas, tariff preferences and other similar arrangements, which are obtained or made by the Hong Kong Special Administrative Region or which were obtained or made and remain valid, shall be enjoyed exclusively by the Region.

第一百一十七条   香港特别行政区根据当时的产地规则，可对产品签发产地来源证。

Article 117. The Hong Kong Special Administrative Region may issue certificates of origin for products in accordance with prevailing rules of origin.

第一百一十八条   香港特别行政区政府提供经济和法律环境，鼓励各项投资、技术进步并开发新兴产业。

Article 118 The Government of the Hong Kong Special Administrative Region shall provide an economic and legal environment for encouraging investments, technological progress and the development of new industries.

第一百一十九条   香港特别行政区政府制定适当政策，促进和协调制造业、商业、旅游业、房地产业、运输业、公用事业、服务性行业、渔农业等各行业的发展，并注意环境保护。

Article 119. The Government of the Hong Kong Special Administrative Region shall formulate appropriate policies to promote and co-ordinate the development of various trades such as manufacturing, commerce, tourism, real estate, transport, public utilities, services, agriculture and fisheries, and pay regard to the protection of the environment.

第二节 土地契约

Section 2 Leases of Land

第一百二十条   香港特别行政区成立以前已批出、决定、或续期的超越一九九七年六月三十日年期的所有土地契约和与土地契约有关的一切权利，均按香港特别行政区的法律继续予以承认和保护。

Article 120 All leases of land granted, decided upon or renewed before the establishment of the Hong Kong Special Administrative Region which extend beyond 30 June 1997, and all rights in relation to such leases, shall continue to be recognized and protected under the law of the Region.

第一百二十一条   从一九八五年五月二十七日至一九九七年六月三十日期间批出的，或原没有续期权利而获得续期的，超出一九九七年六月三十日年期而不超过二零四七年六月三十日的一切土地契约，承租人从一九九七年七月一日起不补地价，但需每年缴纳相当于当日该土地应课差饷租值百分之三的租金。此后，随应课差饷租值的改变而调整租金。

Article 121 As regards all leases of land granted or renewed where the original leases contain no right of renewal, during the period from 27 May 1985 to 30 June 1997, which extend beyond 30 June 1997 and expire not later than 30 June 2047, the lessee is not required to pay an additional premium as from 1 July 1997, but an annual rent equivalent to 3 per cent of the rateable value of the property at that date. Thereafter, the rent is adjusted as the rateable value changes.

第一百二十二条   原旧批约地段、乡村屋地、丁屋地和类似的农村土地，如该土地在一九八四年六月三十日的承租人，或在该日以后批出的丁屋地承租人，其父系为一八九八年在香港的原有乡村居民，只要该土地的承租人仍为该人或其合法父系继承人，原定租金维持不变。

Article 122 In the case of old schedule lots, village lots, small houses and similar rural holdings, where the property was on 30 June 1984 held by, or, in the case of small houses granted after that date, where the property is granted to, a lessee descended through the male line from a person who was in 1898 a resident of an established village in Hong Kong, the previous rent shall remain unchanged so long as the property is held by that lessee or by one of his lawful successors in the male line.

第一百二十三条   香港特别行政区成立以后满期而没有续期权利的土地契约，由香港特别行政区自行制定法律和政策处理。

Article 123 Where leases of land without a right of renewal expire after the establishment of the Hong Kong Special Administrative Region, they shall be dealt with in accordance with laws and policies formulated by the Region on its own.

第三节 航 运

Section 3 Shipping

第一百二十四条   香港特别行政区保持原在香港实行的航运经营和管理体制，包括有关海员的管理制度。

Article 124 The Hong Kong Special Administrative Region shall maintain Hong Kong's previous systems of shipping management and shipping regulation, including the system for regulating conditions of seamen.

香港特别行政区政府自行规定在航运方面的具体职能和责任。

The Government of the Hong Kong Special Administrative Region shall, on its own, define its specific functions and responsibilities in respect of shipping.

第一百二十五条   香港特别行政区经中央人民政府授权继续进行船舶登记，并根据香港特别行政区的法律以“中国香港”的名义颁发有关证件。

Article 125 The Hong Kong Special Administrative Region shall be authorized by the Central People's Government to continue to maintain a shipping register and issue related certificates under its legislation, using the name "Hong Kong, China".

第一百二十六条   除外国军用船只进入香港特别行政区须经中央人民政府特别许可外，其他船舶可根据香港特别行政区法律进出其港口。

Article 126 With the exception of foreign warships, access for which requires the special permission of the Central People's Government, ships shall enjoy access to the ports of the Hong Kong Special Administrative Region in accordance with the laws of the Region.

第一百二十七条   香港特别行政区的私营航运及与航运有关的企业和私营集装箱码头，可继续自由经营。

Article 127 Private shipping businesses and shipping-related businesses and private container terminals in the Hong Kong Special Administrative Region may continue to operate freely.

第四节 民用航空

Section 4 Civil Aviation

第一百二十八条   香港特别行政区政府应提供条件和采取措施，以保持香港的国际和区域航空中心的地位。

Article 128. The Government of the Hong Kong Special Administrative Region shall provide conditions and take measures for the maintenance of the status of Hong Kong as a centre of international and regional aviation.

第一百二十九条   香港特别行政区继续实行原在香港实行的民用航空管理制度，并按中央人民政府关于飞机国籍标志和登记标志的规定，设置自己的飞机登记册。

Article 129 The Hong Kong Special Administrative Region shall continue the previous system of civil aviation management in Hong Kong and keep its own aircraft register in accordance with provisions laid down by the Central People's Government concerning nationality marks and registration marks of aircraft.

外国国家航空器进入香港特别行政区须经中央人民政府特别许可。

Access of foreign state aircraft to the Hong Kong Special Administrative Region shall require the special permission of the Central People's Government.

第一百三十条   香港特别行政区自行负责民用航空的日常业务和技术管理，包括机场管理，在香港特别行政区飞行情报区内提供空中交通服务，和履行国际民用航空组织的区域性航行规划程序所规定的其他职责。

Article 130. The Hong Kong Special Administrative Region shall be responsible on its own for matters of routine business and technical management of civil aviation, including the management of airports, the provision of air traffic services within the flight information region of the Hong Kong Special Administrative Region, and the discharge of other responsibilities allocated to it under the regional air navigation procedures of the International Civil Aviation Organization.

第一百三十一条   中央人民政府经同香港特别行政区政府磋商作出安排，为在香港特别行政区注册并以香港为主要营业地的航空公司和中华人民共和国的其他航空公司，提供香港特别行政区和中华人民共和国其他地区之间的往返航班。

Article 131 The Central People's Government shall, in consultation with the Government of the Hong Kong Special Administrative Region, make arrangements providing air services between the Region and other parts of the People's Republic of China for airlines incorporated in the Hong Kong Special Administrative Region and having their principal place of business in Hong Kong and other airlines of the People's Republic of China.

第一百三十二条   凡涉及中华人民共和国其他地区同其他国家和地区的往返并经停香港特别行政区的航班，和涉及香港特别行政区同其他国家和地区的往返并经停中华人民共和国其他地区航班的民用航空运输协定，由中央人民政府签订。

Article 132 All air service agreements providing air services between other parts of the People's Republic of China and other states and regions with stops at the Hong Kong Special Administrative Region and air services between the Hong Kong Special Administrative Region and other states and regions with stops at other parts of the People's Republic of China shall be concluded by the Central People's Government.

中央人民政府在签订本条第一款所指民用航空运输协定时，应考虑香港特别行政区的特殊情况和经济利益，并同香港特别行政区政府磋商。

In concluding the air service agreements referred to in the first paragraph of this Article, the Central People's Government shall take account of the special conditions and economic interests of the Hong Kong Special Administrative Region and consult the government of the Region.

中央人民政府在同外国政府商谈有关本条第一款所指航班的安排时，香港特别行政区政府的代表可作为中华人民共和国政府代表团的成员参加。

Representatives of the Government of the Hong Kong Special Administrative Region may, as members of the delegations of the Government of the People's Republic of China, participate in air service consultations conducted by the Central People's Government with foreign governments concerning arrangements for such services referred to in the first paragraph of this Article.

第一百三十三条   香港特别行政区政府经中央人民政府具体授权可：

Article 133 Acting under specific authorizations from the Central People's Government, the Government of the Hong Kong Special Administrative Region may:

（一）续签或修改原有的民用航空运输协定和协议；

1. renew or amend air service agreements and arrangements previously in force;

（二）谈判签订新的民用航空运输协定，为在香港特别行政区注册并以香港为主要营业地的航空公司提供航线，以及过境和技术停降权利；

2. negotiate and conclude new air service agreements providing routes for airlines incorporated in the Hong Kong Special Administrative Region and having their principal place of business in Hong Kong and providing rights for over-flights and technical stops;

（三）同没有签订民用航空运输协定的外国或地区谈判签订临时协议。

(III) negotiate and conclude provisional arrangements with foreign states or regions with which no air service agreements have been concluded.

不涉及往返、经停中国内地而只往返、经停香港的定期航班，均由本条所指的民用航空运输协定或临时协议予以规定。

All scheduled air services to, from or through Hong Kong, which do not operate to, from or through the mainland of China shall be regulated by the air service agreements or provisional arrangements referred to in this Article.

第一百三十四条   中央人民政府授权香港特别行政区政府：

Article 134 The Central People's Government shall give the Government of the Hong Kong Special Administrative Region the authority to:

（一）同其他当局商谈并签订有关执行本法第一百三十三条所指民用航空运输协定和临时协议的各项安排；

1. negotiate and conclude with other authorities all arrangements concerning the implementation of the air service agreements and provisional arrangements referred to in Article 133 of this Law;

（二）对在香港特别行政区注册并以香港为主要营业地的航空公司签发执照；

2. issue licences to airlines incorporated in the Hong Kong Special Administrative Region and having their principal place of business in Hong Kong;

（三）依照本法第一百三十三条所指民用航空运输协定和临时协议指定航空公司；

(III) designate such airlines under the air service agreements and provisional arrangements referred to in Article 133 of this Law; and

（四）对外国航空公司除往返、经停中国内地的航班以外的其他航班签发许可证。

(IV) issue permits to foreign airlines for services other than those to, from or through the mainland of China.

第一百三十五条   香港特别行政区成立前在香港注册并以香港为主要营业地的航空公司和与民用航空有关的行业，可继续经营。

Article 135 Airlines incorporated and having their principal place of business in Hong Kong and businesses related to civil aviation functioning there prior to the establishment of the Hong Kong Special Administrative Region may continue to operate.

第六章 教育、科学、文化、体育、宗教、劳工和社会服务

Chapter 6 Education, Science, Culture, Sports, Religion, Labour and Social Services

第一百三十六条   香港特别行政区政府在原有教育制度的基础上，自行制定有关教育的发展和改进的政策，包括教育体制和管理、教学语言、经费分配、考试制度、学位制度和承认学历等政策。

Article 136 On the basis of the previous educational system, the Government of the Hong Kong Special Administrative Region shall, on its own, formulate policies on the development and improvement of education, including policies regarding the educational system and its administration, the language of instruction, the allocation of funds, the examination system, the system of academic awards and the recognition of educational qualifications.

社会团体和私人可依法在香港特别行政区兴办各种教育事业。

Social organizations and individuals may, in accordance with law, run educational undertakings of various kinds in the Hong Kong Special Administrative Region.

第一百三十七条   各类院校均可保留其自主性并享有学术自由，可继续从香港特别行政区以外招聘教职员和选用教材。宗教组织所办的学校可继续提供宗教教育，包括开设宗教课程。

Article 137 Educational institutions of all kinds may retain their autonomy and enjoy academic freedom. They may continue to recruit staff and use teaching materials from outside the Hong Kong Special Administrative Region. Schools run by religious organizations may continue to provide religious education, including religious courses.

学生享有选择院校和在香港特别行政区以外求学的自由。

Students enjoy freedom of choice of educational institutions and freedom to study outside the Hong Kong Special Administrative Region.

第一百三十八条   香港特别行政区政府自行制定发展中西医药和促进医疗卫生服务的政策。社会团体和私人可依法提供各种医疗卫生服务。

Article 138 The Government of the Hong Kong Special Administrative Region shall, on its own, formulate policies to develop Western and traditional Chinese medicine and to improve medical and health services. Social organizations and individuals may provide various medical and health services in accordance with law.

第一百三十九条   香港特别行政区政府自行制定科学技术政策，以法律保护科学技术的研究成果、专利和发明创造。

Article 139. The Government of the Hong Kong Special Administrative Region shall, on its own, formulate policies on science and technology and protect by law achievements in scientific and technological research, patents, discoveries and inventions.

香港特别行政区政府自行确定适用于香港的各类科学、技术标准和规格。

The Government of the Hong Kong Special Administrative Region shall, on its own, decide on the scientific and technological standards and specifications applicable in Hong Kong.

第一百四十条   香港特别行政区政府自行制定文化政策，以法律保护作者在文学艺术创作中所获得的成果和合法权益。

Article 140. The Government of the Hong Kong Special Administrative Region shall, on its own, formulate policies on culture and protect by law the achievements and the lawful rights and interests of authors in their literary and artistic creation.

第一百四十一条   香港特别行政区政府不限制宗教信仰自由，不干预宗教组织的内部事务，不限制与香港特别行政区法律没有抵触的宗教活动。

Article 141 The Government of the Hong Kong Special Administrative Region shall not restrict the freedom of religious belief, interfere in the internal affairs of religious organizations or restrict religious activities which do not contravene the laws of the Region.

宗教组织依法享有财产的取得、使用、处置、继承以及接受资助的权利。财产方面的原有权益仍予保持和保护。宗教组织可按原有办法继续兴办宗教院校、其他学校、医院和福利机构以及提供其他社会服务。

Religious organizations shall, in accordance with law, enjoy the rights to acquire, use, dispose of and inherit property and the right to receive financial assistance. Their previous property rights and interests shall be maintained and protected. Religious organizations may, according to their previous practice, continue to run seminaries and other schools, hospitals and welfare institutions and to provide other social services.

香港特别行政区的宗教组织和教徒可与其他地方的宗教组织和教徒保持和发展关系。

Religious organizations and believers in the Hong Kong Special Administrative Region may maintain and develop their relations with Religious organizations and believers elsewhere.

第一百四十二条   香港特别行政区政府在保留原有的专业制度的基础上，自行制定有关评审各种专业的执业资格的办法。

Article 142 The Government of the Hong Kong Special Administrative Region shall, on the basis of maintaining the previous systems concerning the professions, formulate provisions on its own for assessing the qualifications for practice in the various professions.

在香港特别行政区成立前已取得专业和执业资格者，可依据有关规定和专业守则保留原有的资格。

Persons with professional qualifications or qualifications for professional practice obtained prior to the establishment of the Hong Kong Special Administrative Region may retain their previous qualifications in accordance with the relevant provisions and codes of practice.

香港特别行政区政府继续承认在特别行政区成立前已承认的专业和专业团体，所承认的专业团体可自行审核和颁授专业资格。

The Government of the Hong Kong Special Administrative Region shall continue to recognize the professions and the professional organizations recognized prior to the establishment of the Region, which may, on their own, assess and confer professional qualifications.

香港特别行政区政府可根据社会发展需要并咨询有关方面的意见，承认新的专业和专业团体。

The Government of the Hong Kong Special Administrative Region may, as required by developments in society and in consultation with the parties concerned, recognize new professions and professional organizations.

第一百四十三条   香港特别行政区政府自行制定体育政策。民间体育团体可依法继续存在和发展。

Article 143 The Government of the Hong Kong Special Administrative Region shall, on its own, formulate policies on sports. Non-governmental sports organizations may continue to exist and develop according to law.

第一百四十四条   香港特别行政区政府保持原在香港实行的对教育、医疗卫生、文化、艺术、康乐、体育、社会福利、社会工作等方面的民间团体机构的资助政策。原在香港各资助机构任职的人员均可根据原有制度继续受聘。

Article 144 The Government of the Hong Kong Special Administrative Region shall maintain the policy previously practised in Hong Kong in respect of subventions for non-governmental organizations in fields such as education, medicine and health, culture, art, recreation, sports, social welfare and social work. Staff members previously serving in subvented organizations in Hong Kong may remain in their employment in accordance with the previous system.

第一百四十五条   香港特别行政区政府在原有社会福利制度的基础上，根据经济条件和社会需要，自行制定其发展、改进的政策。

Article 145 On the basis of the previous social welfare system, the Government of the Hong Kong Special Administrative Region shall, on its own, formulate policies on the development and improvement of this system in the light of the economic conditions and social needs.

第一百四十六条   香港特别行政区从事社会服务的志愿团体在不抵触法律的情况下可自行决定其服务方式。

Article 146 Voluntary organizations providing social services in the Hong Kong Special Administrative Region may, on their own, decide their forms of service, provided that the law is not contravened.

第一百四十七条   香港特别行政区自行制定有关劳工的法律和政策。

Article 147 The Hong Kong Special Administrative Region shall on its own formulate laws and policies relating to labour.

第一百四十八条   香港特别行政区的教育、科学、技术、文化、艺术、体育、专业、医疗卫生、劳工、社会福利、社会工作等方面的民间团体和宗教组织同内地相应的团体和组织的关系，应以互不隶属、互不干涉和互相尊重的原则为基础。

Article 148 The relationship between non-governmental organizations in fields such as education, science, technology, culture, art, sports, the professions, medicine and health, labour, social welfare and social work as well as religious organizations in the Hong Kong Special Administrative Region and their counterparts on the mainland shall be based on the principles of non-subordination, non-interference and mutual respect.

第一百四十九条   香港特别行政区的教育、科学、技术、文化、艺术、体育、专业、医疗卫生、劳工、社会福利、社会工作等方面的民间团体和宗教组织可同世界各国、各地区及国际的有关团体和组织保持和发展关系，各该团体和组织可根据需要冠用“中国香港”的名义，参与有关活动。

Article 149 Non-governmental organizations in fields such as education, science, technology, culture, art, sports, the professions, medicine and health, labour, social welfare and social work as well as religious organizations in the Hong Kong Special Administrative Region may maintain and develop relations with their counterparts in foreign countries and regions and with relevant international organizations. They may, as required, use the name "Hong Kong, China" in the relevant activities.

第七章 对外事务

Chapter 7 External Affairs

第一百五十条   香港特别行政区政府的代表，可作为中华人民共和国政府代表团的成员，参加由中央人民政府进行的同香港特别行政区直接有关的外交谈判。

Article 150 Representatives of the Government of the Hong Kong Special Administrative Region may, as members of delegations of the Government of the People's Republic of China, participate in negotiations at the diplomatic level directly affecting the Region conducted by the Central People's Government.

第一百五十一条   香港特别行政区可在经济、贸易、金融、航运、通讯、旅游、文化、体育等领域以“中国香港”的名义，单独地同世界各国、各地区及有关国际组织保持和发展关系，签订和履行有关协议。

Article 151 The Hong Kong Special Administrative Region may on its own, using the name "Hong Kong, China", maintain and develop relations and conclude and implement agreements with foreign states and regions and relevant international organizations in the appropriate fields, including the economic, trade, financial and monetary, shipping, communications, tourism, cultural and sports fields.

第一百五十二条   对以国家为单位参加的、同香港特别行政区有关的、适当领域的国际组织和国际会议，香港特别行政区政府可派遣代表作为中华人民共和国代表团的成员或以中央人民政府和上述有关国际组织或国际会议允许的身份参加，并以“中国香港”的名义发表意见。

Article 152 Representatives of the Government of the Hong Kong Special Administrative Region may, as members of delegations of the People's Republic of China, participate in international organizations or conferences in appropriate fields limited to states and affecting the Region, or may attend in such other capacity as may be permitted by the Central People's Government and the international organization or conference concerned, and may express their views, using the name "Hong Kong, China".

香港特别行政区可以“中国香港”的名义参加不以国家为单位参加的国际组织和国际会议。

The Hong Kong Special Administrative Region may, using the name "Hong Kong, China", participate in international organizations and conferences not limited to states.

对中华人民共和国已参加而香港也以某种形式参加了的国际组织，中央人民政府将采取必要措施使香港特别行政区以适当形式继续保持在这些组织中的地位。

The Central People's Government shall take the necessary measures to ensure that the Hong Kong Special Administrative Region shall continue to retain its status in an appropriate manner in the international organizations in which the People's Republic of China is a member and in which Hong Kong participates in one capacity or another.

对中华人民共和国尚未参加而香港已以某种形式参加的国际组织，中央人民政府将根据需要使香港特别行政区以适当形式继续参加这些组织。

The Central People's Government shall, where necessary, facilitate the continued participation of the Hong Kong Special Administrative Region in an appropriate capacity in those international organizations in which Hong Kong is a participant in one capacity or another, but of which the People's Republic of China is not a member.

第一百五十三条   中华人民共和国缔结的国际协议，中央人民政府可根据香港特别行政区的情况和需要，在征询香港特别行政区政府的意见后，决定是否适用于香港特别行政区。

Article 153 The application to the Hong Kong Special Administrative Region of international agreements to which the People's Republic of China is or becomes a party shall be decided by the Central People's Government, in accordance with the circumstances and needs of the Region, and after seeking the views of the government of the Region.

中华人民共和国尚未参加但已适用于香港的国际协议仍可继续适用。中央人民政府根据需要授权或协助香港特别行政区政府作出适当安排，使其他有关国际协议适用于香港特别行政区。

International agreements to which the People's Republic of China is not a party but which are implemented in Hong Kong may continue to be implemented in the Hong Kong Administrative Region. The Central People's Government shall, as necessary, authorise or assist the government of Hong Kong Special Administrative Region to make appropriate arrangements for the application to Hong Kong Special Administrative Region of other relevant international agreements.

第一百五十四条   中央人民政府授权香港特别行政区政府依照法律给持有香港特别行政区永久性居民身份证的中国公民签发中华人民共和国香港特别行政区护照，给在香港特别行政区的其他合法居留者签发中华人民共和国香港特别行政区的其他旅行证件。上述护照和证件，前往各国和各地区有效，并载明持有人有返回香港特别行政区的权利。

Article 154 The Central People's Government shall authorize the Government of the Hong Kong Special Administrative Region to issue, in accordance with law, passports of the Hong Kong Special Administrative Region of the People's Republic of China to all citizens who hold permanent identity cards of the Region, and travel documents of the Hong Kong Special Administrative Region of the People's Republic of China to all other persons lawfully residing in the Region. The above passports and documents shall be valid for all states and regions and shall record the holder's right to return to Hong Kong Special Administrative Region.

对世界各国或各地区的人入境、逗留和离境，香港特别行政区政府可实行出入境管制。

The Government of the Hong Kong Special Administrative Region may apply immigration controls on entry into, stay in and departure from the Region by persons from foreign states and regions.

第一百五十五条   中央人民政府协助或授权香港特别行政区政府与各国或各地区缔结互免签证协议。

Article 155 The Central People's Government shall assist or authorize the Government of the Hong Kong Special Administrative Region to conclude visa abolition agreements with foreign states or regions.

第一百五十六条   香港特别行政区可根据需要在外国设立官方或半官方的经济和贸易机构，报中央人民政府备案。

Article 156 The Hong Kong Special Administrative Region may, as necessary, establish official or semi-official economic and trade missions in foreign countries and shall report the establishment of such missions to the Central People's Government for the record.

第一百五十七条   外国在香港特别行政区设立领事机构或其他官方、半官方机构，须经中央人民政府批准。

Article 157 The establishment of foreign consular and other official or semi- official missions in the Hong Kong Special Administrative Region shall require the approval of the Central People's Government.

已同中华人民共和国建立正式外交关系的国家在香港设立的领事机构和其他官方机构，可予保留。

Consular and other official missions established in Hong Kong by states which have formal diplomatic relations with the People's Republic of China may be maintained.

尚未同中华人民共和国建立正式外交关系的国家在香港设立的领事机构和其他官方机构，可根据情况允许保留或改为关官方机构。

According to the circumstances of each case, consular and other official missions established in Hong Kong by states which have no formal diplomatic relations with the People's Republic of China may be permitted either to remain or be changed to semi- official missions.

尚未为中华人民共和国承认的国家，只能在香港特别行政区设立民间机构。

States not recognised by the People's Republic of China may only establish non-governmental institutions in Hong Kong Special Administrative Region.

第八章 本法的解释和修改

Chapter 8 Interpretation and Amendment of this Law

第一百五十八条   本法的解释权属于全国人民代表大会常务委员会。

Article 158 The power of interpretation of this Law shall be vested in the Standing Committee of the National People's Congress.

全国人民代表大会常务委员会授权香港特别行政区法院在审理案件时对本法关于香港特别行政区自治范围内的条款自行解释。

The Standing Committee of the National People's Congress shall authorize the courts of the Hong Kong Special Administrative Region to interpret on their own, in adjudicating cases, the provisions of this Law which are within the limits of the autonomy of the Region.

香港特别行政区法院在审理案件时对本法的其他条款也可解释。但如香港特别行政区法院在审理案件时需要对本法关于中央人民政府管理的事务或中央和香港特别行政区关系的条款进行解释，而该条款的解释又影响到案件的判决，在对该案件作出不可上诉的终局判决前，应由香港特别行政区终审法院请全国人民代表大会常务委员会对有关条款作出解释。如全国人民代表大会常务委员会作出解释，香港特别行政区法院在引用该条款时，应以全国人民代表大会常务委员会的解释为准。但在此以前作出的判决不受影响。

The courts of the Hong Kong Special Administrative Region may also interpret other provisions of this Law in adjudicating cases. However, if the courts of Hong Kong Special Administrative Region, in adjudicating cases, need to interpret the provisions of this Law concerning affairs which are the responsibility of the Central People's Government, or concerning the relationship between the Central Authorities and Hong Kong Special Administrative Region, and if such interpretation will affect the judgments in the cases, the courts of Hong Kong Special Administrative Region shall, before making their final judgments which are not appealable, seek an interpretation of the relevant provisions from the Standing Committee of the National People's Congress through the Court of Final Appeal of the Region. When the Standing Committee makes an interpretation of the provisions concerned, the courts of Hong Kong Special Administrative Region, in applying those provisions, shall follow the interpretation of the Standing Committee. However, judgments previously rendered shall not be affected.

全国人民代表大会常务委员会在对本法进行解释前，征询其所属的香港特别行政区基本法委员会的意见。

The Standing Committee of the National People's Congress shall consult its Committee for the Basic Law of the Hong Kong Special Administrative Region before giving an interpretation of this Law.

第一百五十九条   本法的修改权属于全国人民代表大会。

Article 159 The power of amendment of this Law shall be vested in the National People 's Congress.

本法的修改提案权属于全国人民代表大会常务委员会、国务院和香港特别行政区。香港特别行政区的修改议案，须经香港特别行政区的全国人民代表大会代表三分之二多数、香港特别行政区立法会全体议员三分之二多数和香港特别行政区行政长官同意后，交由香港特别行政区出席全国人民代表大会的代表团向全国人民代表大会提出。

The power to propose bills for amendments to this Law shall be vested in the Standing Committee of the National People's Congress, the State Council and the Hong Kong Special Administrative Region. Amendment bills from the Hong Kong Special Administrative Region shall be submitted to the National People 's Congress by the delegation of the Region to the National People's Congress after obtaining the consent of two- thirds of the deputies of the Region to the National People 's Congress, two- thirds of all the members of the Legislative Council of the Region, and the Chief Executive of the Region.

本法的修改议案在列入全国人民代表大会的议程前，先由香港特别行政区基本法委员会研究并提出意见。

Before a bill for amendment to this Law is put on the agenda of the National People 's Congress, the Committee for the Basic Law of the Hong Kong Special Administrative Region shall study it and submit its views.

本法的任何修改，均不得同中华人民共和国对香港既定的基本方针政策相抵触。

No amendment to this Law shall contravene the established basic policies of the People's Republic of China regarding Hong Kong.

第九章 附 则

Chapter 9 Supplementary Provisions

第一百六十条   香港特别行政区成立时，香港原有法律除由全国人民代表大会常务委员会宣布为同本法抵触者外，采用为香港特别行政区法律，如以后发现有的法律与本法抵触，可依照本法规定的程序修改或停止生效。

Article 160 Upon the establishment of the Hong Kong Special Administrative Region, the laws previously in force in Hong Kong shall be adopted as laws of the Region except for those which the Standing Committee of the National People's Congress declares to be in contravention of this Law. If any laws are later discovered to be in contravention of this Law, they shall be amended or cease to have force in accordance with the procedure as prescribed by this Law.

在香港原有法律下有效的文件、证件、契约和权利义务，在不抵触本法的前提下继续有效，受香港特别行政区的承认和保护。

Documents, certificates, contracts, rights and obligations valid under the laws previously in force in Hong Kong shall continue to be valid and be recognized and protected by the Hong Kong Special Administrative Region, provided that they do not contravene this Law.

附件一：香港特别行政区行政长官的产生办法

Appendix 1: Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region

一、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。

I. 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.

二、选举委员会委员共800人，由下列各界人士组成：

II、 The Election Committee shall be composed of 800 members from the following sectors:

工商、金融界200人

Industrial, Commercial and Financial 200

专业界200人

Sector 200

劳工、社会服务、宗教等界200人

Labour, social services, religious and other sectors 200

立法会议员、区域性组织代表、香港地区全国人大代表、香港地区全国政协委员的代表200人

200 members of the Legislative Council, representatives of district-based organizations, Hong Kong deputies to the National People's Congress, and representatives of Hong Kong members of the National People's Political Consultative Conference

选举委员会每届任期五年。

The term of office of the Election Committee shall be five years.

三、各个界别的划分，以及每个界别中何种组织可以产生选举委员的名额，由香港特别行政区根据民主、开放的原则制定选举法加以规定。

III、 The delimitation of the various sectors, the organizations in each sector eligible to return Election Committee members and the number of such members returned by each of these organizations shall be prescribed by an electoral law enacted by the Hong Kong Special Administrative Region in accordance with the principles of democracy and openness.

各界别法定团体根据选举法规定的分配名额和选举办法自行选出选举委员会委员。

Corporate bodies in all sectors shall elect their own members to the Election Committee, based on the number of seats allocated and the election method as prescribed by the Election Act.

选举委员以个人身份投票。

Members of the Election Committee vote in their personal capacity.

四、不少于一百名的选举委员可联合提名行政长官候选人。每名委员只可提出一名候选人。

IV、 Candidates for the office of Chief Executive may be nominated jointly by not less than 100 members of the Election Committee. Each member may nominate only one candidate.

五、选举委员会根据提名的名单，经一人一票无记名投票选出行政长官候任人。具体选举办法由选举法规定。

V、 The Election Committee shall, on the basis of the list of the nominees, elect the Chief Executive designate by secret ballot on a one-person-one-vote basis. The specific election measures shall be prescribed by the electoral law.

六、第一任行政长官按照《全国人民代表大会关于香港特别行政区第一届政府和立法会产生办法的决定》产生。

VI、 The first Chief Executive shall be selected in accordance with the "Decision of the National People 's Congress on the Method for the Formation of the First Government and the First Legislative Council of the Hong Kong Special Administrative Region".

七、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。

VII、 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.

附件二：香港特别行政区立法会的产生办法和表决程序

Appendix 2: Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and Its Voting Procedures

一、立法会的产生办法

I. Method for the formation of the Legislative Council

（一）香港特别行政区立法会议员每届60人，第一届立法会按照《全国人民代表大会关于香港特别行政区第一届政府和立法会产生办法的决定》产生。第二届、第三届立法会的组成如下：

(I) The Legislative Council of the Hong Kong Special Administrative Region shall be composed of 60 members in each term. In the first term, the Legislative Council shall be formed in accordance with the Decision of the National People 's Congress on the Method for the Formation of the First Government and the First Legislative Council of the Hong Kong Special Administrative Region. The composition of the Legislative Council in the second and third terms shall be as follows:

第二届

Second session

功能团体选举的议员30人

Members elected by functional constituency: 30

选举委员会选举的议员6人

Members elected by the Election Committee, 6

分区直接选举的议员24人

Members divided by direct election 24

第三届

Third session

功能团体选举的议员30人

Members elected by functional constituency: 30

分区直接选举的议员30人

Members divided by direct election: 30

（二）除第一届立法会外，上述选举委员会即本法附件一规定的选举委员会。上述分区直接选举的选区划分、投票办法，各个功能界别和法定团体的划分、议员名额的分配、选举办法及选举委员会选举议员的办法，由香港特别行政区政府提出并经立法会通过的选举法加以规定。

(II) Except in the case of the first Legislative Council, the above-mentioned Election Committee refers to the one provided for in Annex I of this Law. The division of geographical constituencies and the voting method for direct elections therein; the delimitation of functional sectors and corporate bodies, their seat allocation and election methods; and the method for electing members of the Legislative Council by the Election Committee shall be specified by an electoral law introduced by the Government of the Hong Kong Special Administrative Region and passed by the Legislative Council.

二、立法会对法案、议案的表决程序

II、 Procedures for voting on bills and motions in the Legislative Council

除本法另有规定外，香港特别行政区立法会对法案和议案的表决采取下列程序：

Unless otherwise provided for in this Law, the Legislative Council of the Hong Kong Special Administrative Region shall adopt the following procedures for voting on bills and motions:

政府提出的法案，如获得出席会议的全体议员的过半数票，即为通过。

A bill introduced by the Government is adopted if it has a majority vote of all the members present at the meeting.

立法会议员个人提出的议案、法案和对政府法案的修正案均须分别经功能团体选举产生的议员和分区直接选举、选举委员会选举产生的议员两部分出席会议议员各过半数通过。

The passage of motions, bills or amendments to government bills introduced by individual members of the Legislative Council shall require a simple majority vote of each of the two groups of members present: members returned by functional constituencies and those returned by geographical constituencies through direct elections and by the Election Committee.

三、二〇〇七年以后立法会的产生办法和表决程序

III、 Method for the formation of the Legislative Council and its voting procedures after 2007

二〇〇七年以后香港特别行政区立法会的产生办法和法案、议案的表决程序，如需对本附件的规定进行修改，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。

With regard to the method for forming the Legislative Council of the Hong Kong Special Administrative Region and its procedures for voting on bills and motions after 2007, if there is a need to amend the provisions of this Annex, such amendments must be made with the endorsement of a two- thirds majority of all the members of the Council and the consent of the Chief Executive, and they shall be reported to the Standing Committee of the National People's Congress for the record.

附件三：在香港特别行政区实施的全国性法律

Appendix 3: National Laws to be Applied in Hong Kong Special Administrative Region

下列全国性法律，自一九九七年七月一日起由香港特别行政区在当地公布或立法实施。

The following national laws shall be applied locally with effect from 1 July 1997 by way of promulgation or legislation by the Hong Kong Special Administrative Region:

一、《关于中华人民共和国国都、纪年、国歌、国旗的决议》

I. Resolution on the Capital, Calendar, National Anthem and National Flag of the People's Republic of China

二、《关于中华人民共和国国庆日的决议》

II、 Resolution on the National Day of the People's Republic of China

三、《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

III、 Order on the National Emblem of the People's Republic of China Proclaimed by the Central People's GovernmentAttached: Design of the national emblem, notes of explanation and instructions for use

四、《中华人民共和国政府关于领海的声明》

IV、 Declaration of the Government of the People's Republic of China on the Territorial Sea

五、《中华人民共和国国籍法》

V、 Nationality Law of the People's Republic of China

六、《中华人民共和国外交特权与豁免条例》

VI、 Regulations of the People's Republic of China Concerning Diplomatic Privileges and Immunities