

## 第一章 總則

### 第一條

Art 12 香港特別行政區是中華人民共和國不可分離的部分。

### 第二條

Art 43, 59,  
66, 80

全國人民代表大會授權香港特別行政區依照本法的規定實行高度自治，享有行政管理權、立法權、獨立的司法權和終審權。

### 第三條

Art 24

香港特別行政區的行政機關和立法機關由香港永久性居民依照本法有關規定組成。

### 第四條

Art 25-40

香港特別行政區依法保障香港特別行政區居民和其他人的權利和自由。

### 第五條

香港特別行政區不實行社會主義制度和政策，保持原有的資本主義制度和生活方式，五十年不變。

## Chapter I: General Principles

### Article 1

Art 12 The Hong Kong Special Administrative Region is an inalienable part of the People's Republic of China.

### Article 2

Art 43, 59, 66, 80 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.

### Article 3

Art 24 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.

### Article 4

Art 25-40 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.

### 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.

**第六條**

Art 29, 105

香港特別行政區依法保護私有財產權。

**第七條**

Art 120-123

香港特別行政區境內的土地和自然資源屬於國家所有，由香港特別行政區政府負責管理、使用、開發、出租或批給個人、法人或團體使用或開發，其收入全歸香港特別行政區政府支配。

**第八條**

Art 160

香港原有法律，即普通法、衡平法、條例、附屬立法和習慣法，除同本法相抵觸或經香港特別行政區的立法機關作出修改者外，予以保留。

**第九條**

Inst 6 (p 182)

香港特別行政區的行政機關、立法機關和司法機關，除使用中文外，還可使用英文，英文也是正式語文。

**第十條**

Anx III (p 136)

香港特別行政區除懸掛中華人民共和國國旗和國徽外，還可使用香港特別行政區區旗和區徽。

香港特別行政區的區旗是五星花蕊的紫荊花紅旗。

**Article 6**

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

Art 29, 105

**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.

Art 120-123

**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.

Art 160

**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.

Inst 6 (p 182)

**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.

Anx III (p 137)

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

Anx III (p 138)

香港特別行政區的區徽，中間是五星花蕊的紫荊花，周圍寫有“中華人民共和國香港特別行政區”和英文“香港”。

### 第十一條

根據中華人民共和國憲法第三十一條，香港特別行政區的制度和政策，包括社會、經濟制度，有關保障居民的基本權利和自由的制度，行政管理、立法和司法方面的制度，以及有關政策，均以本法的規定為依據。

Art 68, 73

香港特別行政區立法機關制定的任何法律，均不得同本法相抵觸。

Anx III (p 138)

The regional emblem of the Hong Kong Special Administrative Region is a bauhinia in the centre highlighted by five star-tipped stamens and encircled by the words "Hong Kong Special Administrative Region of the People's Republic of China" in Chinese and "HONG KONG" in English.

### 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.

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

Art 68, 73

## 第二章 中央和香港特別行政區的關係

### 第十二條

Art 1 香港特別行政區是中華人民共和國的一個享有高度自治權的地方行政區域，直轄於中央人民政府。

### 第十三條

Inst 19 (p 286) 中央人民政府負責管理與香港特別行政區有關的外交事務。

中華人民共和國外交部在香港設立機構處理外交事務。

Art 150-157 中央人民政府授權香港特別行政區依照本法自行處理有關的對外事務。

### 第十四條

中央人民政府負責管理香港特別行政區的防務。

香港特別行政區政府負責維持香港特別行政區的社會治安。

## Chapter II: Relationship between the Central Authorities and the Hong Kong Special Administrative Region

### Article 12

Art 1 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.

### Article 13

Inst 19 (p 287) The Central People's Government shall be responsible for the foreign affairs relating to the Hong Kong Special Administrative Region.

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

Art 150-157 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.

### Article 14

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

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

中央人民政府派駐香港特別行政區負責防務的軍隊不干預香港特別行政區的地方事務。香港特別行政區政府在必要時，可向中央人民政府請求駐軍協助維持社會治安和救助災害。

駐軍人員除須遵守全國性的法律外，還須遵守香港特別行政區的法律。

駐軍費用由中央人民政府負擔。

#### 第十五條

Art 43-45,  
48 (5)-(7), 61

中央人民政府依照本法第四章的規定任命香港特別行政區行政長官和行政機關的主要官員。

#### 第十六條

Art 62

香港特別行政區享有行政管理權，依照本法的有關規定自行處理香港特別行政區的行政事務。

#### 第十七條

Art 66, 73 (1)

香港特別行政區享有立法權。

香港特別行政區的立法機關制定的法律須報全國人民代表大會常務委員會備案。備案不影響該法律的生效。

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 and in disaster relief.

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

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

#### 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.

Art 43-45,  
48 (5)-(7), 61

#### 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.

Art 62

#### Article 17

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

Art 66, 73 (1)

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 reporting for record shall not affect the entry into force of such laws.

*Inst 4 (p 170)*

全國人民代表大會常務委員會在徵詢其所屬的香港特別行政區基本法委員會後，如認為香港特別行政區立法機關制定的任何法律不符合本法關於中央管理的事務及中央和香港特別行政區的關係的條款，可將有關法律發回，但不作修改。經全國人民代表大會常務委員會發回的法律立即失效。該法律的失效，除香港特別行政區的法律另有規定外，無溯及力。

### 第十八條

*Art 8*

在香港特別行政區實行的法律為本法以及本法第八條規定的香港原有法律和香港特別行政區立法機關制定的法律。

*Anx III (p 136),  
Inst 12 (p 248),  
Inst 13 (p 252),  
Inst 14 (p 254)*

全國性法律除列於本法附件三者外，不在香港特別行政區實施。凡列於本法附件三之法律，由香港特別行政區在當地公布或立法實施。

*Anx III (p 136),  
Inst 4 (p 170),  
Inst 12 (p 248),  
Inst 13 (p 252),  
Inst 14 (p 254)*

全國人民代表大會常務委員會在徵詢其所屬的香港特別行政區基本法委員會和香港特別行政區政府的意見後，可對列於本法附件三的法律作出增減，任何列入附件三的法律，限於有關國防、外交和其他按本法規定不屬於香港特別行政區自治範圍的法律。

*Inst 4 (p 170)*

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 the Region.

### 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.

*Art 8*

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 therein shall be applied locally by way of promulgation or legislation by the Region.

*Anx III (p 137),  
Inst 12 (p 249),  
Inst 13 (p 253),  
Inst 14 (p 255)*

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.

*Anx III (p 137),  
Inst 4 (p 171),  
Inst 12 (p 249),  
Inst 13 (p 253),  
Inst 14 (p 255)*

全國人民代表大會常務委員會決定宣布戰爭狀態或因香港特別行政區內發生香港特別行政區政府不能控制的危及國家統一或安全的動亂而決定香港特別行政區進入緊急狀態，中央人民政府可發布命令將有關全國性法律在香港特別行政區實施。

### 第十九條

香港特別行政區享有獨立的司法權和終審權。

香港特別行政區法院除繼續保持香港原有法律制度 and 原則對法院審判權所作的限制外，對香港特別行政區所有的案件均有審判權。

香港特別行政區法院對國防、外交等國家行為無管轄權。香港特別行政區法院在審理案件中遇有涉及國防、外交等國家行為的事實問題，應取得行政長官就該等問題發出的證明文件，上述文件對法院有約束力。行政長官在發出證明文件前，須取得中央人民政府的證明書。

### 第二十條

香港特別行政區可享有全國人民代表大會和全國人民代表大會常務委員會及中央人民政府授予的其他權力。

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.

### Article 19

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

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.

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 the 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.

### 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.

**第二十一條**

香港特別行政區居民中的中國公民依法參與國家事務的管理。

根據全國人民代表大會確定的名額和代表產生辦法，由香港特別行政區居民中的中國公民在香港選出香港特別行政區的全國人民代表大會代表，參加最高國家權力機關的工作。

**第二十二條**

中央人民政府所屬各部門、各省、自治區、直轄市均不得干預香港特別行政區根據本法自行管理的事務。

中央各部門、各省、自治區、直轄市如需在香港特別行政區設立機構，須徵得香港特別行政區政府同意並經中央人民政府批准。

中央各部門、各省、自治區、直轄市在香港特別行政區設立的一切機構及其人員均須遵守香港特別行政區的法律。

**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.

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 shall locally elect deputies of the Region to the National People's Congress to participate in the work of the highest organ of state power.

**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.

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.

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.



## 第二節 土地契約

### 第一百二十條

香港特別行政區成立以前已批出、決定、或續期的超逾一九九七年六月三十日年期的所有土地契約和與土地契約有關的一切權利，均按香港特別行政區的法律繼續予以承認和保護。

### 第一百二十一條

從一九八五年五月二十七日至一九九七年六月三十日期間批出的，或原沒有續期權利而獲得續期的，超出一九九七年六月三十日日期而不超過二〇四七年六月三十日的一切土地契約，承租人從一九九七年七月一日起不補地價，但需每年繳納相當於當日該土地應課差餉租值百分之三的租金。此後，隨應課差餉租值的改變而調整租金。

### 第一百二十二條

原舊批約地段、鄉村屋地、丁屋地和類似的農村土地，如該土地在一九八四年六月三十日的承租人，或在該日以後批出的丁屋地承租人，其父系為一八九八年在香港的原有鄉村居民，只要該土地的承租人仍為該人或其合法父系繼承人，原定租金維持不變。

Art 40

## Section 2: Land Leases

### 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.

### 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, adjusted in step with any changes in the rateable value thereafter, shall be charged.

### 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.

Art 40

### 第一百二十三條

香港特別行政區成立以後滿期而沒有續期權利的土地契約，由香港特別行政區自行制定法律和政策處理。

## 第三節 航運

### 第一百二十四條

香港特別行政區保持原在香港實行的航運經營和管理體制，包括有關海員的管理制度。

香港特別行政區政府自行規定在航運方面的具體職能和責任。

### 第一百二十五條

香港特別行政區經中央人民政府授權繼續進行船舶登記，並根據香港特別行政區的法律以“中國香港”的名義頒發有關證件。

### 第一百二十六條

除外國軍用船隻進入香港特別行政區須經中央人民政府特別許可外，其他船舶可根據香港特別行政區法律進出其港口。

### 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.

## Section 3: Shipping

### 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.

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

### 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".

### 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.

**第一百二十七條**

香港特別行政區的私營航運及與航運有關的企業和私營集裝箱碼頭，可繼續自由經營。

**第四節 民用航空**

**第一百二十八條**

香港特別行政區政府應提供條件和採取措施，以保持香港的國際和區域航空中心的地位。

**第一百二十九條**

香港特別行政區繼續實行原在香港實行的民用航空管理制度，並按中央人民政府關於飛機國籍標誌和登記標誌的規定，設置自己的飛機登記冊。

外國國家航空器進入香港特別行政區須經中央人民政府特別許可。

**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.

**Section 4: Civil Aviation**

**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.

**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.

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

### 第一百三十條

香港特別行政區自行負責民用航空的日常業務和技術管理，包括機場管理，在香港特別行政區飛行情報區內提供空中交通服務，和履行國際民用航空組織的區域性航行規劃程序所規定的其他職責。

### 第一百三十一條

中央人民政府經同香港特別行政區政府磋商作出安排，為在香港特別行政區註冊並以香港為主要營業地的航空公司和中華人民共和國的其他航空公司，提供香港特別行政區和中華人民共和國其他地區之間的往返航班。

### 第一百三十二條

凡涉及中華人民共和國其他地區同其他國家和地區的往返並經停香港特別行政區的航班，和涉及香港特別行政區同其他國家和地區的往返並經停中華人民共和國其他地區航班的民用航空運輸協定，由中央人民政府簽訂。

中央人民政府在簽訂本條第一款所指民用航空運輸協定時，應考慮香港特別行政區的特殊情況和經濟利益，並同香港特別行政區政府磋商。

### 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.

### 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.

### 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.

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國政府商談有關本條第一款所指航班的安排時，香港特別行政區政府的代表可作為中華人民共和國政府代表團的成員參加。

### 第一百三十三條

香港特別行政區政府經中央人民政府具體授權可：

- (一) 續簽或修改原有的民用航空運輸協定和協議；
- (二) 談判簽訂新的民用航空運輸協定，為在香港特別行政區註冊並以香港為主要營業地的航空公司提供航線，以及過境和技術停降權利；
- (三) 同沒有簽訂民用航空運輸協定的外國或地區談判簽訂臨時協議。

不涉及往返、經停中國內地而只往返、經停香港的定期航班，均由本條所指的民用航空運輸協定或臨時協議予以規定。

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.

### Article 133

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

- (1) renew or amend air service agreements and arrangements previously in force;
- (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; and
- (3) negotiate and conclude provisional arrangements with foreign states or regions with which no air service agreements have been concluded.

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.

**第一百三十四條**

Art 133

中央人民政府授權香港特別行政區政府：

- (一) 同其他當局商談並簽訂有關執行本法第一百三十三條所指民用航空運輸協定和臨時協議的各項安排；
- (二) 對在香港特別行政區註冊並以香港為主要營業地的航空公司簽發執照；
- (三) 依照本法第一百三十三條所指民用航空運輸協定和臨時協議指定航空公司；
- (四) 對外國航空公司除往返、經停中國內地的航班以外的其他航班簽發許可證。

**第一百三十五條**

香港特別行政區成立前在香港註冊並以香港為主要營業地的航空公司和與民用航空有關的行業，可繼續經營。

**Article 134**

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

- (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;
- (2) issue licence to airlines incorporated in the Hong Kong Special Administrative Region and having their principal place of business in Hong Kong;
- (3) designate such airlines under the air service agreements and provisional arrangements referred to in Article 133 of this Law; and
- (4) issue permits to foreign airlines for services other than those to, from or through the mainland of China.

**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.

Art 133

## 第六章 教育、科學、文化、體育、 宗教、勞工和社會服務

### 第一百三十六條

香港特別行政區政府在原有教育制度的基礎上，自行制定有關教育的發展和改進的政策，包括教育體制和管理、教學語言、經費分配、考試制度、學位制度和承認學歷等政策。

社會團體和私人可依法在香港特別行政區興辦各種教育事業。

### 第一百三十七條

Art 34

各類院校均可保留其自主性並享有學術自由，可繼續從香港特別行政區以外招聘教職員和選用教材。宗教組織興辦的學校可繼續提供宗教教育，包括開設宗教課程。

學生享有選擇院校和在香港特別行政區以外求學的自由。

### 第一百三十八條

香港特別行政區政府自行制定發展中西醫藥和促進醫療衛生服務的政策。社會團體和私人可依法提供各種醫療衛生服務。

## Chapter VI: Education, Science, Culture, Sports, Religion, Labour and Social Services

### 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.

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

### 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 courses in religion.

Students shall enjoy freedom of choice of educational institutions and freedom to pursue their education outside the Hong Kong Special Administrative Region.

### 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. Community organizations and individuals may provide various medical and health services in accordance with law.

**第一百三十九條**

香港特別行政區政府自行制定科學技術政策，以法律保護科學技術的研究成果、專利和發明創造。

香港特別行政區政府自行確定適用於香港的各類科學、技術標準和規格。

**第一百四十條**

Art 34 香港特別行政區政府自行制定文化政策，以法律保護作者在文學藝術創作中所獲得的成果和合法權益。

**第一百四十一條**

Art 32 香港特別行政區政府不限制宗教信仰自由，不干預宗教組織的內部事務，不限制與香港特別行政區法律沒有抵觸的宗教活動。

宗教組織依法享有財產的取得、使用、處置、繼承以及接受資助的權利。財產方面的原有權益仍予保持和保護。

宗教組織可按原有辦法繼續興辦宗教院校、其他學校、醫院和福利機構以及提供其他社會服務。

香港特別行政區的宗教組織和教徒可與其他地方的宗教組織和教徒保持和發展關係。

**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.

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.

**Article 140**

Art 34 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.

**Article 141**

Art 32 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.

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.

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



Art 160

**全國人民代表大會常務委員會關於根據  
《中華人民共和國香港特別行政區基本法》  
第一百六十條處理香港原有法律的決定**

(1997年2月23日第八屆全國人民代表大會常務委員會  
第二十四次會議通過)

Art 8, 160

《中華人民共和國香港特別行政區基本法》(以下簡稱《基本法》)第一百六十條規定：“香港特別行政區成立時，香港原有法律除由全國人民代表大會常務委員會宣布為同本法抵觸者外，採用為香港特別行政區法律，如以後發現有的法律與本法抵觸，可依照本法規定的程序修改或停止生效。”第八條規定：“香港原有法律，即普通法、衡平法、條例、附屬立法和習慣法，除同本法相抵觸或經

Art 160

**Decision of the Standing Committee  
of the National People's Congress  
Concerning the Handling of the Laws  
Previously in Force in Hong Kong  
in accordance with Article 160 of the Basic Law  
of the Hong Kong Special Administrative Region  
of the People's Republic of China**

Adopted at the Twenty-fourth Meeting of the Standing Committee  
of the Eighth National People's Congress on 23 February 1997)

Art 8, 160

It is provided in Article 160 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (hereinafter referred to as the Basic Law for short) that “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.” Article 8 of the Basic Law stipulates: “The Laws previously in force in Hong Kong, that is, the common law, rules of equity, ordinances, subordinate legislation and customary law, shall be

Note:

This English translation is reproduced from “The Laws of the People's Republic of China 1997” compiled by the Legislative Affairs Commission of the Standing Committee of the National People's Congress of the People's Republic of China. It is for reference only and has no legislative effect.

香港特別行政區的立法機關作出修改者外，予以保留。”第八屆全國人民代表大會常務委員會第二十四次會議根據上述規定，審議了香港特別行政區籌備委員會關於處理香港原有法律問題的建議，決定如下：

Art 8

一、香港原有法律，包括普通法、衡平法、條例、附屬立法和習慣法，除同《基本法》抵觸者外，採用為香港特別行政區法律。

Inst 6 (p 184)

二、列於本決定附件一的香港原有的條例及附屬立法抵觸《基本法》，不採用為香港特別行政區法律。

Inst 6 (p 186)

三、列於本決定附件二的香港原有的條例及附屬立法的部分條款抵觸《基本法》，抵觸的部分條款不採用為香港特別行政區法律。

maintained, except for any that contravene this Law or are subject to any amendment by the legislature of the Hong Kong Special Administrative Region.” In accordance with the provisions mentioned above, the Standing Committee of the Eighth National People’s Congress at its 24th Meeting deliberated the proposal of the Preparatory Committee for the Hong Kong Special Administrative Region on handling the laws previously in force in Hong Kong and adopted the decision as follows:

Art 8

1. The laws previously in force in Hong Kong, including the common law, rules of equity, ordinances, subordinate legislation and customary law, shall be adopted as laws of the Hong Kong Special Administrative Region, except for any that contravene the Basic Law.

Inst 6 (p 185)

2. The ordinances and subordinate legislation previously in force in Hong Kong, listed in Appendix I of this Decision, which are in contravention of the Basic Law shall not be adopted as laws of the Hong Kong Special Administrative Region.

Inst 6 (p 187)

3. Since some provisions of the ordinances and subordinate legislation, which are previously in force in Hong Kong and listed in Appendix II of this Decision, contravene the Basic Law, they shall not be adopted as provisions of laws of the Hong Kong Special Administrative Region.

四、採用為香港特別行政區法律的香港原有法律，自1997年7月1日起，在適用時，應作出必要的變更、適應、限制或例外，以符合中華人民共和國對香港恢復行使主權後香港的地位和《基本法》的有關規定；如《新界土地（豁免）條例》在適用時應符合上述原則。

除符合上述原則外，原有的條例或附屬立法中：

- (一) 規定與香港特別行政區有關的外交事務的法律，如與在香港特別行政區實施的全國性法律不一致，應以全國性法律為準，並符合中央人民政府享有的國際權利和承擔的國際義務。
- (二) 任何給予英國或英聯邦其它國家或地區特權待遇的規定，不予保留，但有關香港與英國或英聯邦其它國家或地區之間互惠性規定，不在此限。

4. The laws previously in force in Hong Kong, which have been adopted as laws of the Hong Kong Special Administrative Region, shall be applied as of 1 July 1997 with such modifications, adaptations restrictions and exceptions as may be necessary for making them conform with the status of Hong Kong after the People's Republic of China resumes the exercise of sovereignty over it and with the relevant provisions of the Basic Law, for example, the New Territories Land (Exemption) Ordinance shall be applied in accordance with the principle mentioned above.

In addition to the above-mentioned principle, the following provisions shall be conformed with when applying the provisions of the ordinances and subordinate legislation previously in force:

- (1) Where the provisions relating to the diplomatic affairs of the Hong Kong Special Administrative Region are found inconsistent with the national laws coming into effect in the Hong Kong Special Administrative Region, the national laws shall prevail, and the provisions shall be made in keeping with the international rights enjoyed by the Central People's Government and the international obligations it undertakes.
- (2) No provisions which accord privileges to the United Kingdom or any other countries or regions of the British Commonwealth shall be maintained with the exception of the reciprocity provisions in connection with Hong Kong and the United Kingdom or any other countries or regions of the British Commonwealth.

- (三) 有關英國駐香港軍隊的權利、豁免及義務的規定，凡不抵觸《基本法》和《中華人民共和國香港特別行政區駐軍法》的規定者，予以保留，適用於中華人民共和國中央人民政府派駐香港特別行政區的軍隊。
- (四) 有關英文的法律效力高於中文的規定，應解釋為中文和英文都是正式語文。
- (五) 在條款中引用的英國法律的規定，如不損害中華人民共和國的主權和不抵觸《基本法》的規定，在香港特別行政區對其作出修改前，作為過渡安排，可繼續參照適用。

五、在符合第四條規定的條件下，採用為香港特別行政區法律的香港原有法律，除非文意另有所指，對其中的名稱或詞句的解釋或適用，須遵循本決定附件三所規定的替換原則。

- (3) The provisions regarding the rights, immunities and obligations of the British troops stationed in Hong Kong shall be maintained provided that they do not contravene the provisions of the Basic Law and the Law of the People's Republic of China on Garrisoning the Hong Kong Special Administrative Region and shall be applicable to the troops stationed in Hong Kong by the Central People's Government of the People's Republic of China.
- (4) The provision that the English language is superior to the Chinese language in terms of legal effect shall be construed as that both the Chinese and English language are the official languages.
- (5) If the provisions in the British laws that are quoted in Hong Kong ordinances and subordinate legislation do not jeopardize the sovereignty of the People's Republic of China or contravene the provisions of the Basic Law, they may, as a transitional arrangement, continue to be applied *mutatis mutandis* before they are amended by the Hong Kong Special Administrative Region.

5. On condition that the provisions in Article 4 are conformed with, the substitution rules prescribed in Appendix III of this Decision shall be followed when interpreting or applying the words and expressions in the laws previously in force in Hong Kong which are adopted as laws of the Hong Kong Special Administrative Region, except that they mean otherwise.

- 六、採用為香港特別行政區法律的香港原有法律，如以後發現與《基本法》相抵觸者，可依照《基本法》規定的程序修改或停止生效。

#### 附件一

Inst 6 (p 178)

香港原有法律中下列條例及附屬立法抵觸《基本法》，不採用為香港特別行政區法律：

1. 《受託人（香港政府證券）條例》（香港法例第77章）；
2. 《英國法律應用條例》（香港法例第88章）；
3. 《英國以外婚姻條例》（香港法例第180章）；
4. 《華人引渡條例》（香港法例第235章）；
5. 《香港徽幟（保護）條例》（香港法例第315章）；
6. 《國防部大臣（產業承繼）條例》（香港法例第193章）；
7. 《皇家香港軍團條例》（香港法例第199章）；
8. 《強制服役條例》（香港法例第246章）；

6. If the laws previously in force in Hong Kong which are adopted as laws of the Hong Kong Special Administrative Region are later discovered to be in contravention of the Basic Law, they may be amended or cease to have force in accordance with the procedure as prescribed by the Basic Law.

#### Appendix 1

The following ordinances and subordinate legislation in the laws previously in force in Hong Kong are in contravention of the Basic Law and therefore shall not be adopted as laws of the Hong Kong Special Administrative Region:

Inst 6 (p 179)

1. Trustees (Hong Kong Government Securities) Ordinance (Cap. 77);
2. Application of English Law Ordinance (Cap. 88);
3. Foreign Marriage Ordinance (Cap. 180);
4. Chinese Extradition Ordinance (Cap. 235);
5. Colony Armorial Bearings (Protection) Ordinance (Cap. 315);
6. Secretary of State for Defence (Succession to Property) Ordinance (Cap. 193);
7. Royal Hong Kong Regiment Ordinance (Cap. 199);
8. Compulsory Service Ordinance (Cap. 246);

4. 《區域市政局條例》(香港法例第385章)中有關選舉的規定;
5. 《區議會條例》(香港法例第366章)中有關選舉的規定;
6. 《舞弊及非法行為條例》(香港法例第288章)中的附屬立法A《市政局、區域市政局以及區議會選舉費用令》和附屬立法C《立法局決議》;
7. 《香港人權法案條例》(香港法例第383章)第2條第(3)款有關該條例的解釋及應用目的的規定,第3條有關“對先前法例的影響”和第4條有關“日後的法例的釋義”的規定;
8. 《個人資料(私隱)條例》(香港法例第486章)第3條第(2)款有關該條例具有凌駕地位的規定;
9. 1992年7月17日以來對《社團條例》(香港法例第151章)的重大修改;
10. 1995年7月27日以來對《公安條例》(香港法例第245章)的重大修改。

4. Provisions for election in the Regional Council Ordinance (Cap. 385);
5. Provisions for election in the District Boards Ordinance (Cap. 366);
6. Subsidiary legislation A: “Urban Council, Regional Council and District Boards Election Expenses Order” and subsidiary legislation C: “Resolution of the Legislative Council” in the Corrupt and Illegal Practices Ordinance (Cap. 288);
7. The provisions in s2(3) regarding the purpose of this ordinance for the purpose of its interpretation and application, in s3 regarding the effect on pre-existing legislation and in s4 regarding interpretation of subsequent legislation in the Hong Kong Bill of Rights Ordinance (Cap. 383);
8. The provisions in s3 (2) that the ordinance acquires an overriding position in the Personal Data (Privacy) Ordinance (Cap. 486);
9. Major amendments to the Societies Ordinance (Cap. 151) made since 17 July 1992; and
10. Major amendments to the Public Ordinance (Cap. 245) made since 27 July 1995.

## 附件三

Inst 6 (p 182)

採用為香港特別行政區法律的香港原有法律中的名稱或詞句在解釋或適用時一般須遵循以下替換原則：

1. 任何提及“女王陛下”、“王室”、“英國政府”及“國務大臣”等相類似名稱或詞句的條款，如該條款內容是關於香港土地所有權或涉及《基本法》所規定的中央管理的事務和中央與香港特別行政區的關係，則該等名稱或詞句應相應地解釋為中央或中國的其它主管機關，其它情況下應解釋為香港特別行政區政府。
2. 任何提及“女王會同樞密院”或“樞密院”的條款，如該條款內容是關於上訴權事項，則該等名稱或詞句應解釋為香港特別行政區終審法院其它情況下，依第1項規定處理。

## Appendix 3

The words and expressions in the laws previously in force in Hong Kong which are adopted as laws of the Hong Kong Special Administrative Region, when construed or applied, shall be subject to the following substitution rules:

1. Any reference to “Her Majesty”, “Crown”, “The British Government U.K.” and “Secretary of State” and other similar names or expressions, if the provision relates to the ownership of the land in Hong Kong or involves the affairs within the responsibilities of the Central Authorities and relationship between the Central Authorities and the Region as prescribed by the Basic Law, shall be construed correspondingly as a reference to the Central Authorities or other competent organs, and under other circumstances, as the Government of the Hong Kong Special Administrative Region;
2. Any reference to “Her Majesty in Council” or “Privy Council”, if the provision relates to the matter of right of appeal, shall be construed as a reference to the Court of Final Appeal of the Hong Kong Special Administrative Region, and under other circumstances, shall be dealt with in accordance with Item 1;

Inst 6 (p 183)