

目錄

前言 *xxii*

出版說明 *xxiv*

中華人民共和國主席令 2

中華人民共和國香港特別行政區基本法 4

序言 6

第一章 總則 8

第二章 中央和香港特別行政區的關係 14

第三章 居民的基本權利和義務 26

第四章 政治體制 36

第一節 行政長官 36

第二節 行政機關 48

第三節 立法機關 52

第四節 司法機關 64

第五節 區域組織 72

第六節 公務人員 74

第五章 經濟 80

第一節 財政、金融、貿易和工商業 80

第二節 土地契約 88

Table of Contents

Foreword *xxiii*

Publisher's Notes *xxv*

Decree of the President of the People's Republic of China 3

The Basic Law of the Hong Kong Special Administrative
Region of the People's Republic of China 5

Preamble 7

Chapter I General Principles 9

Chapter II Relationship between the Central Authorities
and the Hong Kong Special Administrative
Region 15

Chapter III Fundamental Rights and Duties
of the Residents 27

Chapter IV Political Structure 37

Section 1 The Chief Executive 37

Section 2 The Executive Authorities 49

Section 3 The Legislature 53

Section 4 The Judiciary 65

Section 5 District Organizations 73

Section 6 Public Servants 75

Chapter V Economy 81

Section 1 Public Finance, Monetary Affairs, Trade,
Industry and Commerce 81

Section 2 Land Leases 89

第三節	航運	90
第四節	民用航空	92
第六章	教育、科學、文化、體育、宗教、勞工和社會服務	100
第七章	對外事務	110
第八章	本法的解釋和修改	118
第九章	附則	122
附件一	香港特別行政區行政長官的產生辦法	124
附件二	香港特別行政區立法會的產生辦法和表決程序	130
附件三	在香港特別行政區實施的全國性法律	136
	附：香港特別行政區區旗和區徽圖案	138
中華人民共和國國務院令第221號 140		
	附：中華人民共和國香港特別行政區行政區域界線文字表述	142

Section 3	Shipping	91
Section 4	Civil Aviation	93
Chapter VI	Education, Science, Culture, Sports, Religion, Labour and Social Services	101
Chapter VII	External Affairs	111
Chapter VIII	Interpretation and Amendment of the Basic Law	119
Chapter IX	Supplementary Provisions	123
Annex I	Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region	125
Annex II	Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and Its Voting Procedures	131
Annex III	National Laws to be Applied in the Hong Kong Special Administrative Region	137
	Appendix: Designs of the Regional Flag and Regional Emblem of the Hong Kong Special Administrative Region	139
Order of the State Council of the People's Republic of China No. 221 141		
Enclosure:	Description of the Boundary of the Administrative Division of the Hong Kong Special Administrative Region of the People's Republic of China	143

全國人民代表大會和全國人民代表大會常務委員會決定
(按公布時間排列)

- 文件一 全國人民代表大會關於《中華人民共和國香港特別行政區基本法》的決定
(1990年4月4日第七屆全國人民代表大會第三次會議通過) 158
- 文件二 全國人民代表大會關於設立香港特別行政區的決定 (1990年4月4日第七屆全國人民代表大會第三次會議通過) 162
- 文件三 全國人民代表大會關於香港特別行政區第一屆政府和立法會產生辦法的決定
(1990年4月4日第七屆全國人民代表大會第三次會議通過) 164

Decisions of the National People's Congress and
the Standing Committee of the National People's Congress
(By Chronological Order)

- Instrument 1 Decision of the National People's Congress
on the Basic Law of the Hong Kong
Special Administrative Region
of the People's Republic of China (Adopted at
the Third Session of the Seventh National
People's Congress on 4 April 1990) 159
- Instrument 2 Decision of the National People's Congress
on the Establishment of the Hong Kong
Special Administrative Region (Adopted at the
Third Session of the Seventh National People's
Congress on 4 April 1990) 163
- Instrument 3 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 (Adopted
at the Third Session of the Seventh National
People's Congress on 4 April 1990) 165

- 文件四 全國人民代表大會關於批准香港特別行政區基本法起草委員會關於設立全國人民代表大會常務委員會香港特別行政區基本法委員會的建議的決定(1990年4月4日第七屆全國人民代表大會第三次會議通過) 170
- 附：香港特別行政區基本法起草委員會關於設立全國人民代表大會常務委員會香港特別行政區基本法委員會的建議 172
- 文件五 全國人民代表大會常務委員會關於《中華人民共和國香港特別行政區基本法》英文本的決定(1990年6月28日通過) 174
- 文件六 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) 176

- Instrument 4 Decision of the National People's Congress Approving the Proposal by the Drafting Committee for the Basic Law of the Hong Kong Special Administrative Region on the Establishment of the Committee for the Basic Law of the Hong Kong Special Administrative Region Under the Standing Committee of the National People's Congress (Adopted at the Third Session of the Seventh National People's Congress on 4 April 1990) 171
- Appendix: Proposal by the Drafting Committee for the Basic Law of the Hong Kong Special Administrative Region on the Establishment of the Committee for the Basic Law of the Hong Kong Special Administrative Region Under the Standing Committee of the National People's Congress 173
- Instrument 5 Decision of the Standing Committee of the National People's Congress on the English Text of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (Adopted on 28 June 1990) 175
- Instrument 6 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) 177

- 文件七 全國人民代表大會常務委員會關於香港特別行政區2007年行政長官和2008年立法會產生辦法有關問題的決定（2004年4月26日第十屆全國人民代表大會常務委員會第九次會議通過） 196
- 文件八 全國人民代表大會常務委員會關於香港特別行政區2012年行政長官和立法會產生辦法及有關普選問題的決定（2007年12月29日第十屆全國人民代表大會常務委員會第三十一次會議通過） 206
- 文件九 全國人民代表大會常務委員會關於批准《中華人民共和國香港特別行政區基本法附件一香港特別行政區行政長官的產生辦法修正案》的決定（2010年8月28日第十一屆全國人民代表大會常務委員會第十六次會議通過） 216

- Instrument 7 Decision of the Standing Committee of the National People's Congress on Issues Relating to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region in the Year 2007 and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2008 (Adopted at the Ninth Meeting of the Standing Committee of the Tenth National People's Congress on 26 April 2004) 197
- Instrument 8 Decision of the Standing Committee of the National People's Congress on Issues Relating to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2012 and on Issues Relating to Universal Suffrage (Adopted by the Standing Committee of the Tenth National People's Congress at its Thirty-first Meeting on 29 December 2007) 207
- Instrument 9 Decision of the Standing Committee of the National People's Congress on Approving the Amendment to Annex I to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China Concerning the Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region (Adopted at the Sixteenth Meeting of the Standing Committee of the Eleventh National People's Congress on 28 August 2010) 217

附：中華人民共和國香港特別行政區基本法附件一香港特別行政區行政長官的產生辦法修正案（2010年8月28日第十一屆全國人民代表大會常務委員會第十六次會議批准） 220

文件十 全國人民代表大會常務委員會公告〔十一屆〕第十五號 224

附：中華人民共和國香港特別行政區基本法附件二香港特別行政區立法會的產生辦法和表決程序修正案（2010年8月28日第十一屆全國人民代表大會常務委員會第十六次會議予以備案） 228

文件十一 全國人民代表大會常務委員會關於香港特別行政區行政長官普選問題和2016年立法會產生辦法的決定（2014年8月31日第十二屆全國人民代表大會常務委員會第十次會議通過） 230

Appendix: Amendment to Annex I to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China Concerning the Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region (Approved at the Sixteenth Meeting of the Standing Committee of the Eleventh National People's Congress on 28 August 2010) 221

Instrument 10 Proclamation of the Standing Committee of the National People's Congress (Eleventh National People's Congress) No. 15 225

Appendix: Amendment to Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China Concerning the Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and Its Voting Procedures (Recorded at the Sixteenth Meeting of the Standing Committee of the Eleventh National People's Congress on 28 August 2010) 229

Instrument 11 Decision of the Standing Committee of the National People's Congress on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016 (Adopted at the Tenth Session of the Standing Committee of the Twelfth National People's Congress on 31 August 2014) 231

全國人民代表大會常務委員會關於《中華人民共和國香港特別行政區基本法》附件三的決定

- 文件十二 全國人民代表大會常務委員會關於《中華人民共和國香港特別行政區基本法》附件三所列全國性法律增減的決定（1997年7月1日第八屆全國人民代表大會常務委員會第二十六次會議通過） 248
- 文件十三 全國人民代表大會常務委員會關於增加《中華人民共和國香港特別行政區基本法》附件三所列全國性法律的決定（1998年11月4日通過） 252
- 文件十四 全國人民代表大會常務委員會關於增加《中華人民共和國香港特別行政區基本法》附件三所列全國性法律的決定（2005年10月27日通過） 254

Decisions of the Standing Committee of the National People's Congress on Annex III to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China

- Instrument 12 Decision of the Standing Committee of the National People's Congress on Adding to and Deleting from the List of the National Laws in Annex III to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (Adopted at the Twenty-sixth Meeting of the Standing Committee of the Eighth National People's Congress on 1 July 1997) 249
- Instrument 13 Decision of the Standing Committee of the National People's Congress on Adding a Law to the List of the National Laws in Annex III to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (Adopted on 4 November 1998) 253
- Instrument 14 Decision of the Standing Committee of the National People's Congress on Adding a Law to the List of the National Laws in Annex III to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (Adopted on 27 October 2005) 255

全國人民代表大會常務委員會關於《中華人民共和國國籍法》和《中華人民共和國香港特別行政區基本法》的解釋

文件十五 全國人民代表大會常務委員會關於《中華人民共和國國籍法》在香港特別行政區實施的幾個問題的解釋（1996年5月15日第八屆全國人民代表大會常務委員會第十九次會議通過） 258

文件十六 全國人民代表大會常務委員會關於《中華人民共和國香港特別行政區基本法》第二十二條第四款和第二十四條第二款第（三）項的解釋（1999年6月26日第九屆全國人民代表大會常務委員會第十次會議通過） 264

文件十七 全國人民代表大會常務委員會關於《中華人民共和國香港特別行政區基本法》附件一第七條和附件二第三條的解釋（2004年4月6日第十屆全國人民代表大會常務委員會第八次會議通過） 272

Interpretations by the Standing Committee of the National People's Congress on the Nationality Law of the People's Republic of China and on the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China

Instrument 15 Interpretation by the Standing Committee of the National People's Congress on Some Questions Concerning Implementation of the Nationality Law of the People's Republic of China in the Hong Kong Special Administrative Region (Adopted at the Nineteenth Meeting of the Standing Committee of the Eighth National People's Congress on 15 May 1996) 259

Instrument 16 Interpretation by the Standing Committee of the National People's Congress Regarding Paragraph 4 in Article 22 and Category (3) of Paragraph 2 in Article 24 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (Adopted at the Tenth Meeting of the Standing Committee of the Ninth National People's Congress on 26 June 1999) 265

Instrument 17 Interpretation by the Standing Committee of the National People's Congress Regarding Annex I (7) and Annex II (II) to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (Adopted at the Eighth Meeting of the Standing Committee of the Tenth National People's Congress on 6 April 2004) 273

- 文件十八 全國人民代表大會常務委員會關於《中華人民共和國香港特別行政區基本法》第五十三條第二款的解釋（2005年4月27日第十屆全國人民代表大會常務委員會第十五次會議通過） 280
- 文件十九 全國人民代表大會常務委員會關於《中華人民共和國香港特別行政區基本法》第十三條第一款和第十九條的解釋（2011年8月26日第十一屆全國人民代表大會常務委員會第二十二次會議通過） 286
- 文件二十 全國人民代表大會常務委員會關於《中華人民共和國香港特別行政區基本法》第一百零四條的解釋（2016年11月7日第十二屆全國人民代表大會常務委員會第二十四次會議通過） 300

- Instrument 18 Interpretation by the Standing Committee of the National People's Congress Regarding the Second Paragraph in Article 53 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (Adopted at the Fifteenth Meeting of the Standing Committee of the Tenth National People's Congress on 27 April 2005) 281
- Instrument 19 Interpretation by the Standing Committee of the National People's Congress Regarding the First Paragraph of Article 13 and Article 19 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (Adopted at the Twenty-second Meeting of the Standing Committee of the Eleventh National People's Congress on 26 August 2011) 287
- Instrument 20 Interpretation of Article 104 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China by the Standing Committee of the National People's Congress (Adopted by the Standing Committee of the Twelfth National People's Congress at its Twenty-fourth Session on 7 November 2016) 301