

中華人民共和國
香港特別行政區基本法

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

中華人民共和國主席令

第二十六號

《中華人民共和國香港特別行政區基本法》，包括附件一：《香港特別行政區行政長官的產生辦法》，附件二：《香港特別行政區立法會的產生辦法和表決程序》，附件三：《在香港特別行政區實施的全國性法律》，以及香港特別行政區區旗、區徽圖案，已由中華人民共和國第七屆全國人民代表大會第三次會議於1990年4月4日通過，現予公布，自1997年7月1日起實施。

中華人民共和國主席 楊尚昆

1990年4月4日

Anx I (p 124),
Anx II (p 142),
Anx III (p 156)

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

No. 26

I hereby promulgate the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, including Annex I, Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region, Annex II, Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and Its Voting Procedures, Annex III, National Laws to be Applied in the Hong Kong Special Administrative Region, and designs of the regional flag and regional emblem of the Hong Kong Special Administrative Region, which was adopted at the Third Session of the Seventh National People's Congress of the People's Republic of China on 4 April 1990 and shall be put into effect as of 1 July 1997.

*Ann I (p 125),
Ann II (p 143),
Ann III (p 157)*

(Signed)
Yang Shangkun
President of the People's Republic of China
4 April 1990

中華人民共和國
香港特別行政區基本法

(1990年4月4日第七屆全國人民代表大會第三次會議通過
1990年4月4日中華人民共和國主席令第二十六號公布
自1997年7月1日起施行)

**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

Promulgated by Order No. 26 of the President
of the People's Republic of China on 4 April 1990

Effective as of 1 July 1997)

序言

香港自古以來就是中國的領土，一八四〇年鴉片戰爭以後被英國佔領。一九八四年十二月十九日，中英兩國政府簽署了關於香港問題的聯合聲明，確認中華人民共和國政府於一九九七年七月一日恢復對香港行使主權，從而實現了長期以來中國人民收回香港的共同願望。

為了維護國家的統一和領土完整，保持香港的繁榮和穩定，並考慮到香港的歷史和現實情況，國家決定，在對香港恢復行使主權時，根據中華人民共和國憲法第三十一條的規定，設立香港特別行政區，並按照“一個國家，兩種制度”的方針，不在香港實行社會主義的制度和政策。國家對香港的基本方針政策，已由中國政府在中英聯合聲明中予以闡明。

根據中華人民共和國憲法，全國人民代表大會特制定中華人民共和國香港特別行政區基本法，規定香港特別行政區實行的制度，以保障國家對香港的基本方針政策的實施。

Preamble

Hong Kong has been part of the territory of China since ancient times; it was occupied by Britain after the Opium War in 1840. On 19 December 1984, the Chinese and British Governments signed the Joint Declaration on the Question of Hong Kong, affirming that the Government of the People's Republic of China will resume the exercise of sovereignty over Hong Kong with effect from 1 July 1997, thus fulfilling the long-cherished common aspiration of the Chinese people for the recovery of Hong Kong.

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 People's Republic of China regarding Hong Kong have been elaborated by the Chinese Government in the Sino-British Joint Declaration.

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 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

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

Art 12

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.

*Art 43, 59,
66, 80*

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.

Art 24

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.

Art 25–40

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 11, 73, 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

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 156)

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。

Anx III (p 160)

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 11, 73, 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.

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 157)

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 161)

Anx III (p 160)

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

序言

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 8, 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。