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LA DIVERSITÉ DES POUVOIRS LOCAUX EN CHINE ENTRE CENTRALISATION ET AUTONOMIE DANS UNE PERSPECTIVE JURIDIQUE ÉVOLUTIVE

(volume II, annexes)

Thèse pour obtenir le titre de doctorat en droit

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ANNEXES

Ci-après sont reproduites certaines dispositions législatives chinoises pertinentes en matière d'autonomie locale qui ont fait l'objet d'une traduction en anglais. En revanche, pour les lois qui n'ont pas été traduites, un simple lien vers un site internet chinois est proposé.

- CONSTITUTION OF THE PEOPLE'S REPUBLIC OF CHINA (中华人民共和国宪法)
- Legislation Law of the People's Republic of China (中华人民共和国立法法)
- La Constitution de République de Chine (Taïwan) (中华民国宪法)
- Loi fondamentale de la région administrative spéciale de Hong Kong (香港基本法)
- Loi fondamentale de la région administrative spéciale de Macao (澳门基本法)
- La loi sur l'organisation de l'Assemblée populaire et les gouvernements populaires locaux à tous les niveaux de la République populations de Chine (中华人民共和国地方各级人民代表大会和地方各级人民政府组织法)
- La loi sur l'autonomie régionale ethnique de la République populaire de Chine (中华人民共和国民族区域自治法)

中华人民共和国宪法 CONSTITUTION OF THE PEOPLE'S REPUBLIC OF CHINA

(一九八二年十二月四日第五届全国人民代表大会第五次会议通过)

(Adopted at the Fifth Session of the Fifth National People's Congress and promulgated for implementation by the Proclamation of the National People's Congress on December 4, 1982)

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序 言 Preamble

中国是世界上历史最悠久的国家之一。中国各族人民共同创造了光辉灿烂的文化，具有光荣的革命传统。

China is a country with one of the longest histories in the world. The people of all of China's nationalities have jointly created a culture of grandeur and have a glorious revolutionary tradition.

一八四〇年以后，封建的中国逐渐变成半殖民地、半封建的国家。中国人民为国家独立、民族解放和民主自由进行了前仆后继的英勇奋斗。

After 1840, feudal China was gradually turned into a semi-colonial and semi-feudal country. The Chinese people waged many successive heroic struggles for national independence and liberation and for democracy and freedom.

二十世纪，中国发生了翻天覆地的伟大历史变革。

Great and earthshaking historical changes have taken place in China in the 20th century.

一九一一年孙中山先生领导的辛亥革命，废除了封建帝制，创立了中华民国。但是，中国人民反对帝国主义和封建主义的历史任务还没有完成。

The Revolution of 1911, led by Dr. Sun Yat-sen, abolished the feudal monarchy and gave birth to the Republic of China. But the historic mission of the Chinese people to overthrow imperialism and feudalism remained unaccomplished.

一九四九年，以毛泽东主席为领袖的中国*领导中国各族人民，在经历了长期的艰难曲折的武装斗争和其他形式的斗争以后，终于推翻了帝国主义、封建主义和官僚资本主义的统治，取得了新民主主义革命的伟大胜利，建立了中华人民共和国。从此，中国人民掌握了国家的权力，成为国家的主人。

After waging protracted and arduous struggles, armed and otherwise, along a zigzag course, the Chinese people of all nationalities led by the Communist Party of China with Chairman Mao Zedong as its leader ultimately, in 1949, overthrew the rule of imperialism, feudalism and bureaucrat-capitalism, won a great victory in the New-Democratic Revolution and founded the People's Republic of China. Since then the Chinese people have taken control of state power and become masters of the country.

中华人民共和国成立以后，我国社会逐步实现了由新民主主义到社会主义的过渡。

After the founding of the People's Republic, China gradually achieved its transition from a New-Democratic to a socialist society.

生产资料私有制的社会主义改造已经完成，人剥削人的制度已经消灭，社会主义制度已经确立。

The socialist transformation of the private ownership of the means of production has been completed, the system of exploitation of man by man abolished and the socialist system established.

工人阶级领导的、以工农联盟为基础的人民民主专政，实质上即无产阶级专政，得到巩固和发展。

The people's democratic dictatorship led by the working class and based on the alliance of workers and peasants, which is in essence the dictatorship of the proletariat, has been consolidated and developed.

中国人民和中国人民解放军战胜了帝国主义、霸权主义的侵略、破坏和武装挑衅，维护了国家的独立和安全，增强了国防。

The Chinese people and the Chinese People's Liberation Army have defeated imperialist and hegemonist aggression, sabotage and armed provocations and have thereby safeguarded China's national independence and security and strengthened its national defence.

经济建设取得了重大的成就，独立的、比较完整的社会主义工业体系已经基本形成，农业生产显著提高。教育、科学、文化等事业有了很大的发展，社会主义思想教育取得了明显的成效。广大人民的生活有了较大的改善。

Major successes have been achieved in economic development. An independent and relatively comprehensive socialist system of industry has basically been established. There has been a marked increase in agricultural production. Significant advances have been made in educational, scientific and cultural undertakings, while education in socialist ideology has produced noteworthy results. The life of the people has improved considerably.

中国新民主主义革命的胜利和社会主义事业的成就，都是中国*领导中国各族人民，在马克思列宁主义、毛泽东思想的指引下，坚持真理，修正错误，战胜许多艰难险阻而取得的。今后国家的根本任务是集中力量进行社会主义现代化建设。中国各族人民将继续在中国*领导下，在马克思列宁主义、毛泽东思想指引下，坚持人民民主专政，坚持社会主义道路，不断完善社会主义的各项制度，发展社会主义民主，健全社会主义法制，自力更生，艰苦奋斗，逐步实现工业、农业、国防和科学技术的现代化，把我国建设成为高度文明、高度民主的社会主义国家。

Both the victory in China's New-Democratic Revolution and the successes in its socialist cause have been achieved by the Chinese people of all nationalities, under the leadership of the Communist Party of China and the guidance of Marxism-Leninism and Mao Zedong Thought, by upholding truth, correcting errors and surmounting numerous difficulties and hardships. The basic task of the nation in the years to come is to concentrate its effort on socialist modernization. Under the leadership of the Communist Party of China and the guidance of Marxism-Leninism and Mao Zedong Thought, the Chinese people of all nationalities will continue to adhere to the people's democratic dictatorship and the socialist road, steadily improve socialist institutions, develop socialist democracy, improve the socialist legal system, and work hard and self-reliantly to modernize the country's industry, agriculture, national defence and science and technology step by step to turn China into a socialist country with a high level of culture and democracy.

在我国，剥削阶级作为阶级已经消灭，但是阶级斗争还将在一定范围内长期存在。中国人民对敌视和破坏我国社会主义制度的国内外的敌对势力和敌对分子，必须进行斗争。

The exploiting classes as such have been abolished in our country. However, class struggle will continue to exist within certain bounds for a long time to come. The Chinese people must fight against those forces and elements, both at home and abroad, that are hostile to China's socialist system and try to undermine it.

台湾是中华人民共和国的神圣领土的一部分。完成统一祖国的大业是包括台湾同胞在内的全中国人民的神圣职责。

Taiwan is part of the sacred territory of the People's Republic of China. It is the inviolable duty of all Chinese people, including our compatriots in Taiwan, to accomplish the great task of reunifying the motherland.

社会主义的建设事业必须依靠工人、农民和知识分子，团结一切可以团结的力量。在长期的革命和建设过程中，已经结成由中国领导的，有各民主党派和各人民团体参加的，包括全体社会主义劳动者、拥护社会主义的爱国者和拥护祖国统一的爱国者的广泛的爱国统一战线，这个统一战线将继续巩固和发展。中国人民政治协商会议是有广泛代表性的统一战线组织，过去发挥了重要的历史作用，今后在国家政治生活、社会生活和对外友好活动中，在进行社会主义现代化建设、维护国家的统一和团结的斗争中，将进一步发挥它的重要作用。

In building socialism it is essential to rely on workers, peasants and intellectuals and to unite all forces that can be united. In the long years of revolution and construction, there has been formed under the leadership of the Communist Party of China a broad patriotic united front which is composed of the democratic parties and people's organizations and which embraces all socialist working people, all patriots who support socialism and all patriots who stand for the reunification of the motherland. This united front will continue to be consolidated and developed. The Chinese People's Political Consultative Conference, a broadly based representative organization of the united front which has played a significant historical role, will play a still more important role in the country's political and social life, in promoting friendship with other countries and in the struggle for socialist modernization and for the reunification and unity of the country.

中华人民共和国是全国各族人民共同缔造的统一的 multi-ethnic state. Equality, unity and mutual assistance of socialist ethnic relations have been established, and will continue to be strengthened.

The People's Republic of China is a unitary multinational state created jointly by the people of all its nationalities. Socialist relations of equality, unity and mutual assistance have been established among the nationalities and will continue to be strengthened.

在维护民族团结的斗争中，要反对大民族主义，主要是大汉族主义，也要反对地方民族主义。国家尽一切努力，促进全国各民族的共同繁荣。

In the struggle to safeguard the unity of the nationalities, it is necessary to combat big-nation chauvinism, mainly Han chauvinism, and to combat local national chauvinism. The state will do its utmost to promote the common prosperity of all the nationalities. China's achievements in revolution and construction are inseparable from the support of the people of the world.

中国革命和建设的成就是同世界人民的支持分不开的。中国的前途是同世界的前途紧密地联系在一起的。中国坚持独立自主的对外政策，坚持互相尊重主权和领土完整、互不侵犯、互不干涉内政、平等互利、和平共处的五项原则，发展同各国的外交关系和经济、文化的交流；

The future of China is closely linked to the future of the world. China consistently carries out an independent foreign policy and adheres to the five principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit, and peaceful coexistence in developing diplomatic relations and economic and cultural exchanges with other countries.

坚持反对帝国主义、霸权主义、殖民主义，加强同世界各国人民的团结，支持被压迫民族和发展中国家争取和维护民族独立、发展民族经济的正义斗争，为维护世界和平和促进人类进步事业而努力。

China consistently opposes imperialism, hegemonism and colonialism, works to strengthen unity with the people of other countries, supports the oppressed nations and the developing countries in their just struggle to win and preserve national independence and develop their national economies, and strives to safeguard world peace and promote the cause of human progress.

本宪法以法律的形式确认了中国各族人民奋斗的成果，规定了国家的根本制度和根本任务，是国家的根本法，具有最高的法律效力。

This Constitution, in legal form, affirms the achievements of the struggles of the Chinese people of all nationalities and defines the basic system and basic tasks of the state; it is the fundamental law of the state and has supreme legal authority.

全国各族人民、一切国家机关和武装力量、各政党和各社会团体、各企业事业组织，都必须以宪法为根本的活动准则，并且负有维护宪法尊严、保证宪法实施的职责。

The people of all nationalities, all state organs, the armed forces, all political parties and public organizations and all enterprises and institutions in the country must take the Constitution as the basic standard of conduct, and they have the duty to uphold the dignity of the Constitution and ensure its implementation.

第一章 总 纲 Chapter I General Principles

第一条 中华人民共和国是工人阶级领导的、以工农联盟为基础的人民民主专政的社会主义国家。

Article 1 The People's Republic of China is a socialist state under the people's democratic dictatorship led by the working class and based on the alliance of workers and peasants.

社会主义制度是中华人民共和国的根本制度。禁止任何组织或者个人破坏社会主义制度。

The socialist system is the basic system of the People's Republic of China. Disruption of the socialist system by any organization or individual is prohibited.

第二条 中华人民共和国的一切权力属于人民。

Article 2 All power in the People's Republic of China belongs to the people.

人民行使国家权力的机关是全国人民代表大会和地方各级人民代表大会。

The National People's Congress and the local people's congresses at various levels are the organs through which the people exercise state power.

人民依照法律规定，通过各种途径和形式，管理国家事务，管理经济和文化事业，管理社会事务。

The people administer state affairs and manage economic, cultural and social affairs through various channels and in various ways in accordance with the law.

第三条 中华人民共和国的国家机构实行民主集中制的原则。

Article 3 The state organs of the People's Republic of China apply the principle of democratic centralism.

全国人民代表大会和地方各级人民代表大会都由民主选举产生，对人民负责，受人民监督。

The National People's Congress and the local people's congresses at various levels are constituted through democratic elections. They are responsible to the people and subject to their supervision.

国家行政机关、审判机关、检察机关都由人民代表大会产生，对它负责，受它监督。

All administrative, judicial and procuratorial organs of the state are created by the people's congresses to which they are responsible and by which they are supervised.

中央和地方的国家机构职权的划分，遵循在中央的统一领导下，充分发挥地方的主动性、积极性的原则。

The division of functions and powers between the central and local state organs is guided by the principle of giving full scope to the initiative and enthusiasm of the local authorities under the unified leadership of the central authorities.

第四条 中华人民共和国各民族一律平等。国家保障各少数民族的合法的权利和利益，维护和发展各民族的平等、团结、互助关系。

Article 4 All nationalities in the People's Republic of China are equal. The state protects the lawful rights and interests of the minority nationalities and upholds and develops a relationship of equality, unity and mutual assistance among all of China's nationalities.

禁止对任何民族的歧视和压迫，禁止破坏民族团结和制造民族分裂的行为。

Discrimination against and oppression of any nationality are prohibited; any act which undermines the unity of the nationalities or instigates division is prohibited.

国家根据各少数民族的特点和需要，帮助各少数民族地区加速经济和文化的发展。

The state assists areas inhabited by minority nationalities in accelerating their economic and cultural development according to the characteristics and needs of the various minority nationalities.

各少数民族聚居的地方实行区域自治，设立自治机关，行使自治权。各民族自治地方都是中华人民共和国不可分离的部分。

Regional autonomy is practised in areas where people of minority nationalities live in concentrated communities; in these areas organs of self-government are established to exercise the power of autonomy. All national autonomous areas are integral parts of the People's Republic of China.

各民族都有使用和发展自己的语言文字的自由，都有保持或者改革自己的风俗习惯的自由。

All nationalities have the freedom to use and develop their own spoken and written languages and to preserve or reform their own folkways and customs.

第五条 国家维护社会主义法制的统一和尊严。

Article 5 The state upholds the uniformity and dignity of the socialist legal system.

一切法律、行政法规和地方性法规都不得同宪法相抵触。

No laws or administrative or local rules and regulations may contravene the Constitution.

一切国家机关和武装力量、各政党和各社会团体、各企业事业组织都必须遵守宪法和法律。一切违反宪法和法律的行为，必须予以追究。

All state organs, the armed forces, all political parties and public organizations and all enterprises and institutions must abide by the Constitution and the law. All acts in violation of the Constitution or the law must be investigated.

任何组织或者个人都不得有超越宪法和法律的特权。

No organization or individual is privileged to be beyond the Constitution or the law.

第六条 中华人民共和国的社会主义经济制度的基础是生产资料的社会主义公有制，即全民所有制和劳动群众集体所有制。

Article 6 The basis of the socialist economic system of the People's Republic of China is socialist public ownership of the means of production, namely, ownership by the whole people and collective ownership by the working people.

社会主义公有制消灭人剥削人的制度，实行各尽所能，按劳分配的原则。

The system of socialist public ownership supersedes the system of exploitation of man by man; it applies the principle of “from each according to his ability, to each according to his work.”

第七条 国营经济是社会主义全民所有制经济，是国民经济中的主导力量。国家保障国营经济的巩固和发展。

Article 7 The state economy is the sector of socialist economy under ownership by the whole people; it is the leading force in the national economy. The state ensures the consolidation and growth of the state economy.

第八条 农村人民公社、农业生产合作社和其他生产、供销、信用、消费等各种形式的合作经济，是社会主义劳动群众集体所有制经济。

Article 8 Rural people's communes, agricultural producers cooperatives and other forms of cooperatives economy, such as producers', supply and marketing, credit and consumers cooperatives, belong to the sector of socialist economy under collective ownership by the working people.

参加农村集体经济组织的劳动者，有权在法律规定的范围内经营自留地、自留山、家庭副业和饲养自留畜。

Working people who are members of rural economic collective have the right, within the limits prescribed by law, to farm plots of cropland and hilly land allotted for their private use, engage in household sideline production and raise privately owned livestock.

城镇中的手工业、工业、建筑业、运输业、商业、服务业等行业的各种形式的合作经济，都是社会主义劳动群众集体所有制经济。

The various forms of cooperative economy in the cities and towns, such as those in the handicraft, industrial, building, transport, commercial and service trades, all belong to the sector of socialist economy under collective ownership by the working people.

国家保护城乡集体经济组织的合法的权利和利益，鼓励、指导和帮助集体经济的发展。

The state protects the lawful rights and interests of the urban and rural economic collective and encourages, guides and helps the growth of the collective economy.

第九条 矿藏、水流、森林、山岭、草原、荒地、滩涂等自然资源，都属于国家所有，即全民所有；由法律规定属于集体所有的森林和山岭、草原、荒地、滩涂除外。

Article 9 All mineral resources, waters, forests, mountains, grassland, unreclaimed land, beaches and other natural resources are owned by the state, that is, by the whole people, with the exception of the forests, mountains, grasslands, unreclaimed land and beaches that are owned by collective in accordance with the law.

国家保障自然资源的合理利用，保护珍贵的动物和植物。禁止任何组织或者个人用任何手段侵占或者破坏自然资源。

The state ensures the rational use of natural resources and protects rare animals and plants. Appropriation or damaging of natural resources by any organization or individual by whatever means is prohibited.

第十条 城市的土地属于国家所有。

Article 10 Land in the cities is owned by the state.

农村和城市郊区的土地，除由法律规定属于国家所有的以外，属于集体所有；宅基地和自留地、自留山，也属于集体所有。

Land in the rural and suburban areas is owned by collectives except for those portions which belong to the state in accordance with the law; house sites and privately farmed plots of cropland and hilly land are also owned by collectives.

国家为了公共利益的需要，可以依照法律规定对土地实行征用。

The state may, in the public interest, requisition land for its use in accordance with the law.

任何组织或者个人不得侵占、买卖、出租或者以其他形式非法转让土地。

No organization or individual may appropriate, buy, sell or lease land or otherwise engage in the transfer of land by unlawful means.

一切使用土地的组织和个人必须合理地利用土地。

All organizations and individuals using land must ensure its rational use.

第十一条 在法律规定范围内的城乡劳动者个体经济，是社会主义公有制经济的补充。国家保护个体经济的合法的权利和利益。

Article 11 The individual economy of urban and rural working people, operating within the limits prescribed by law, is a complement to the socialist public economy. The state protects the lawful rights and interests of the individual economy.

国家通过行政管理，指导、帮助和监督个体经济。

The state guides, assists and supervises the individual economy by administrative control.

第十二条 社会主义的公共财产神圣不可侵犯。

Article 12 Socialist public property is inviolable.

国家保护社会主义的公共财产。禁止任何组织或者个人用任何手段侵占或者破坏国家的和集体的财产。

The state protects socialist public property. Appropriation or damaging of state or collective property by any organization or individual by whatever means is prohibited.

第十三条 国家保护公民的合法的收入、储蓄、房屋和其他合法财产的所有权。

Article 13 The state protects the right of citizens to own lawfully earned income, savings, houses and other lawful property.

国家依照法律规定保护公民的私有财产的继承权。 外语#教育网 www.for68.com

The state protects according to law the right of citizens to inherit private property.

第十四条 国家通过提高劳动者的积极性和技术水平，推广先进的科学技术，完善经济管理体制和企业经营管理制度，实行各种形式的社会主义责任制，改进劳动组织，以不断提高劳动生产率和经济效益，发展社会生产力。

Article 14 The state continuously raises labour productivity, improves economic results and develops the productive forces by enhancing the enthusiasm of the working people, raising the level of their technical skill, disseminating advanced science and technology, improving the systems of economic administration and enterprise operation and management, instituting the socialist system of responsibility in various forms and improving the organization of work.

国家厉行节约，反对浪费。

The state practises strict economy and combats waste.

国家合理安排积累和消费，兼顾国家、集体和个人的利益，在发展生产的基础上，逐步改善人民的物质生活和文化生活。

The state properly apportions accumulation and consumption, concerns itself with the interests of the collective and the individual as well as of the state and, on the basis of expanded production, gradually improves the material and cultural life of the people.

第十五条 国家在社会主义公有制基础上实行计划经济。国家通过经济计划的综合平衡和市场调节的辅助作用，保证国民经济按比例地协调发展。

Article 15 The state practises planned economy on the basis of socialist public ownership. It ensures the proportionate and coordinated growth of the national economy through overall balancing by economic planning and the supplementary role of regulation by the market.

禁止任何组织或者个人扰乱社会经济秩序，破坏国家经济计划。

Disturbance of the socioeconomic order or disruption of the state economic plan by any organization or individual is prohibited.

第十六条 国营企业在服从国家的统一领导和全面完成国家计划的前提下，在法律规定的范围内，有经营管理的自主权。

Article 16 State enterprises have decision-making power with regard to operation and management within the limits prescribed by law, on condition that they submit to unified leadership by the state and fulfil all their obligations under the state plan.

国营企业依照法律规定，通过职工代表大会和其他形式，实行民主管理。

State enterprises practise democratic management through congresses of workers and staff and in other ways in accordance with the law.

第十七条 集体经济组织在接受国家计划指导和遵守有关法律的前提下，有独立进行经济活动的自主权。

Article 17 Collective economic organizations have decision-making power in conducting independent economic activities, on condition that they accept the guidance of the state plan and abide by the relevant laws.

集体经济组织依照法律规定实行民主管理，由它的全体劳动者选举和罢免管理人员，决定经营管理的重大问题。

Collective economic organizations practise democratic management in accordance with the law. The entire body of their workers elects or removes their managerial personnel and decides on major issues concerning operation and management.

第十八条 中华人民共和国允许外国的企业和其他经济组织或者个人依照中华人民共和国法律的规定在中国投资，同中国的企业或者其他经济组织进行各种形式的经济合作。

Article 18 The People's Republic of China permits foreign enterprises, other foreign economic organizations and individual foreigners to invest in China and to enter into various forms of economic cooperation with Chinese enterprises and other Chinese economic organizations in accordance with the law of the People's Republic of China.

在中国境内的外国企业和其他外国经济组织以及中外合资经营的企业，都必须遵守中华人民共和国的法律。它们的合法的权利和利益受中华人民共和国法律的保护。

All foreign enterprises, other foreign economic organizations as well as Chinese-foreign joint ventures within Chinese territory shall abide by the law of the People's Republic of China. Their lawful rights and interests are protected by the law of the People's Republic of China.

第十九条 国家发展社会主义的教育事业，提高全国人民的科学文化水平。

Article 19 The state undertakes the development of socialist education and works to raise the scientific and cultural level of the whole nation.

国家举办各种学校，普及初等义务教育，发展中等教育、职业教育和高等教育，并且发展学前教育。

The state establishes and administers schools of various types, universalizes compulsory primary education and promotes secondary, vocational and higher education as well as preschool education.

国家发展各种教育设施，扫除文盲，对工人、农民、国家工作人员和其他劳动者进行政治、文化、科学、技术、业务的教育，鼓励自学成才。

The state develops educational facilities in order to eliminate illiteracy and provide political, scientific, technical and professional education as well as general education for workers, peasants, state functionaries and other working people. It encourages people to become educated through independent study.

国家鼓励集体经济组织、国家企业事业组织和其他社会力量依照法律规定举办各种教育事业。

The state encourages the collective economic organizations, state enterprises and institutions and other sectors of society to establish educational institutions of various types in accordance with the law.

国家推广全国通用的普通话。

The state promotes the nationwide use of Putonghua (common speech based on Beijing pronunciation).

第二十条 国家发展自然科学和社会科学事业，普及科学和技术知识，奖励科学研究成果和技术发明创造。

Article 20 The state promotes the development of the natural and social sciences, disseminates knowledge of science and technology, and commends and rewards achievements in scientific research as well as technological innovations and inventions.

第二十一条 国家发展医疗卫生事业，发展现代医药和我国传统医药，鼓励和支持农村集体经济组织、国家企业事业组织和街道组织举办各种医疗卫生设施，开展群众性的卫生活动，保护人民健康。

Article 21 The state develops medical and health services, promotes modern medicine and traditional Chinese medicine, encourages and supports the setting up of various medical and health facilities by the rural economic collectives, state enterprises and institutions and neighbourhood organizations, and promotes health and sanitation activities of a mass character, all for the protection of the people's health.

国家发展体育事业，开展群众性的体育活动，增强人民体质。

The state develops physical culture and promotes mass sports activities to improve the people's physical fitness.

第二十二条 国家发展为人民服务、为社会主义服务的文学艺术事业、新闻广播电视事业、出版发行事业、图书馆博物馆文化馆和其他文化事业，开展群众性的文化活动。

Article 22 The state promotes the development of art and literature, the press, radio and television broadcasting, publishing and distribution services, libraries, museums, cultural centres and other cultural undertakings that serve the people and socialism, and it sponsors mass cultural activities.

国家保护名胜古迹、珍贵文物和其他重要历史文化遗产。

The state protects sites of scenic and historical interest, valuable cultural monuments and relics and other significant items of China's historical and cultural heritage.

第二十三条 国家培养为社会主义服务的各种专业人才，扩大知识分子的队伍，创造条件，充分发挥他们在社会主义现代化建设中的作用。

Article 23 The state trains specialized personnel in all fields who serve socialism, expands the ranks of intellectuals and creates conditions to give full scope to their role in socialist modernization.

第二十四条 国家通过普及理想教育、道德教育、文化教育、纪律和法制教育，通过在城乡不同范围的群众中制定和执行各种守则、公约，加强社会主义精神文明的建设。

Article 24 The state strengthens the building of a socialist society with an advanced culture and ideology by promoting education in high ideals, ethics, general knowledge, discipline and legality, and by promoting the formulation and observance of rules of conduct and common pledges by various sections of the people in urban and rural areas.

国家提倡爱祖国、爱人民、爱劳动、爱科学、爱社会主义的公德，在人民中进行爱国主义、集体主义和国际主义、共产主义的教育，进行辩证唯物主义和历史唯物主义的教育，反对资本主义的、封建主义的和其他的腐朽思想。

The state advocates the civic virtues of love of the motherland, of the people, of labour, of science and of socialism. It conducts education among the people in patriotism and collectivism, in internationalism and communism and in dialectical and historical materialism, to combat capitalist, feudal and other decadent ideas.

第二十五条 国家推行计划生育，使人口的增长同经济和社会发展计划相适应。

Article 25 The state promotes family planning so that population growth may fit the plans for economic and social development.

第二十六条 国家保护和改善生活环境和生态环境，防治污染和其他公害。

Article 26 The state protects and improves the environment in which people live and the ecological environment. It prevents and controls pollution and other public hazards.

国家组织和鼓励植树造林，保护林木。

The state organizes and encourages afforestation and the protection of forests.

第二十七条 一切国家机关实行精简的原则，实行工作责任制，实行工作人员的培训和考核制度，不断提高工作质量和工作效率，反对官僚主义。

Article 27 All state organs carry out the principle of simple and efficient administration, the system of responsibility for work and the system of training functionaries and appraising their performance in order constantly to improve the quality of work and efficiency and combat bureaucracy.

一切国家机关和国家工作人员必须依靠人民的支持，经常保持同人民的密切联系，倾听人民的意见和建议，接受人民的监督，努力为人民服务。

All state organs and functionaries must rely on the support of the people, keep in close touch with them, heed their opinions and suggestions, accept their supervision and do their best to serve them.

第二十八条 国家维护社会秩序，镇压叛国和其他反革命的活动，制裁危害社会治安、破坏社会主义经济和其他犯罪的活动，惩办和改造犯罪分子。

Article 28 The state maintains public order and suppresses treasonable and other counter-revolutionary activities; it penalizes criminal activities that endanger public security and disrupt the socialist economy as well as other criminal activities; and it punishes and reforms criminals.

第二十九条 中华人民共和国的武装力量属于人民。

Article 29 The armed forces of the People's Republic of China belong to the people.

它的任务是巩固国防，抵抗侵略，保卫祖国，保卫人民的和平劳动，参加国家建设事业，努力为人民服务。

Their tasks are to strengthen national defence, resist aggression, defend the motherland, safeguard the people's peaceful labour, participate in national reconstruction and do their best to serve the people.

国家加强武装力量的革命化、现代化、正规化的建设，增强国防力量。

The state strengthens the revolutionization, modernization and regularization of the armed forces in order to increase national defence capability.

第三十条 中华人民共和国的行政区划划分如下：

Article 30 The administrative division of the People's Republic of China is as follows:

（一）全国分为省、自治区、直辖市；

(1) The country is divided into provinces, autonomous regions and municipalities directly under the Central Government;

(二) 省、自治区分为自治州、县、自治县、市；

(2) Provinces and autonomous regions are divided into autonomous prefectures, counties, autonomous counties, and cities;

(三) 县、自治县分为乡、民族乡、镇。

(3) Counties and autonomous counties are divided into townships, nationality townships, and towns.

直辖市和较大的市分为区、县。自治州分为县、自治县、市。

Municipalities directly under the Central Government and other large cities are divided into districts and counties. Autonomous prefectures are divided into counties, autonomous counties, and cities.

自治区、自治州、自治县都是民族自治地方。

All autonomous regions, autonomous prefectures and autonomous counties are national autonomous areas.

第三十一条 国家在必要时得设立特别行政区。在特别行政区内实行的制度按照具体情况由全国人民代表大会以法律规定。

Article 31 The state may establish special administrative regions when necessary. The systems to be instituted in special administrative regions shall be prescribed by law enacted by the National People's Congress in the light of specific conditions.

第三十二条 中华人民共和国保护在中国境内的外国人的合法权利和利益，在中国境内的外国人必须遵守中华人民共和国的法律。

Article 32 The People's Republic of China protects the lawful rights and interests of foreigners within Chinese territory; foreigners on Chinese territory must abide by the laws of the People's Republic of China.

中华人民共和国对于因为政治原因要求避难的外国人，可以给予受庇护的权利。

The People's Republic of China may grant asylum to foreigners who request it for political reasons.

第二章 公民的基本权利和义务 Chapter II The Fundamental Rights and Duties of Citizens

第三十三条 凡具有中华人民共和国国籍的人都是中华人民共和国公民。

Article 33 All persons holding the nationality of the People's Republic of China are citizens of the People's Republic of China.

中华人民共和国公民在法律面前一律平等。

All citizens of the People's Republic of China are equal before the law.

任何公民享有宪法和法律规定的权利，同时必须履行宪法和法律规定的义务。

Every citizen is entitled to the rights and at the same time must perform the duties prescribed by the Constitution and the law.

第三十四条 中华人民共和国年满十八周岁的公民，不分民族、种族、性别、职业、家庭出身、宗教信仰、教育程度、财产状况、居住期限，都有选举权和被选举权；但是依照法律被剥夺政治权利的人除外。

Article 34 All citizens of the People's Republic of China who have reached the age of 18 have the right to vote and stand for election, regardless of ethnic status, race, sex, occupation, family background, religious belief, education, property status or length of residence, except persons deprived of political rights according to law.

第三十五条 中华人民共和国公民有言论、出版、集会、结社、游行、示威的自由。

Article 35 Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.

第三十六条 中华人民共和国公民有宗教信仰自由。

Article 36 Citizens of the People's Republic of China enjoy freedom of religious belief.

任何国家机关、社会团体和个人不得强制公民信仰宗教或者不信仰宗教，不得歧视信仰宗教的公民和不信仰宗教的公民。

No state organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion.

国家保护正常的宗教活动。任何人不得利用宗教进行破坏社会秩序、损害公民身体健康、妨碍国家教育制度的活动。

The state protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state.

宗教团体和宗教事务不受外国势力的支配。

Religious bodies and religious affairs are not subject to any foreign domination.

第三十七条 中华人民共和国公民的人身自由不受侵犯。

Article 37 Freedom of the person of citizens of the People's Republic of China is inviolable.

任何公民，非经人民检察院批准或者决定或者人民法院决定，并由公安机关执行，不受逮捕。

No citizen may be arrested except with the approval or by decision of a people's procuratorate or by decision of a people's court, and arrests must be made by a public security organ.

禁止非法拘禁和以其他方法非法剥夺或者限制公民的人身自由，禁止非法搜查公民的身体。

Unlawful detention or deprivation or restriction of citizens freedom of the person by other means is prohibited, and unlawful search of the person of citizens is prohibited.

第三十八条 中华人民共和国公民的人格尊严不受侵犯。禁止用任何方法对公民进行侮辱、诽谤和诬告陷害。

Article 38 The personal dignity of citizens of the People's Republic of China is inviolable. Insult, libel, false accusation or false incrimination directed against citizens by any means is prohibited.

第三十九条 中华人民共和国公民的住宅不受侵犯。禁止非法搜查或者非法侵入公民的住宅。

Article 39 The residences of citizens of the People's Republic of China are inviolable. Unlawful search of, or intrusion into, a citizen's residence is prohibited.

第四十条 中华人民共和国公民的通信自由和通信秘密受法律的保护。除因国家安全或者追查刑事犯罪的需要，由公安机关或者检察机关依照法律规定的程序对通信进行检查外，任何组织或者个人不得以任何理由侵犯公民的通信自由和通信秘密。

Article 40 Freedom and privacy of correspondence of citizens of the People's Republic of China are protected by law. No organization or individual may, on any ground, infringe upon citizens freedom and privacy of correspondence, except in cases where, to meet the needs of state security or of criminal investigation, public security or procuratorial organs are permitted to censor correspondence in accordance with procedures prescribed by law.

第四十一条 中华人民共和国公民对于任何国家机关和国家工作人员，有提出批评和建议的权利；对于任何国家机关和国家工作人员的违法失职行为，有向有关国家机关提出申诉、控告或者检举的权利，但是不得捏造或者歪曲事实进行诬告陷害。

Article 41 Citizens of the People's Republic of China have the right to criticize and make suggestions regarding any state organ or functionary. Citizens have the right to make to relevant state organs complaints or charges against, or exposures of, any state organ or functionary for

violation of the law or dereliction of duty; but fabrication or distortion of facts for purposes of libel or false incrimination is prohibited.

对于公民的申诉、控告或者检举，有关国家机关必须查清事实，负责处理。

The state organ concerned must deal with complaints, charges or exposures made by citizens in a responsible manner after ascertaining the facts.

任何人不得压制和打击报复。

No one may suppress such complaints, charges and exposures or retaliate against the citizens making them.

由于国家机关和国家工作人员侵犯公民权利而受到损失的人，有依照法律规定取得赔偿的权利。

Citizens who have suffered losses as a result of infringement of their civic rights by any state organ or functionary have the right to compensation in accordance with the law.

第四十二条 中华人民共和国公民有劳动的权利和义务。

Article 42 Citizens of the People's Republic of China have the right as well as the duty to work.

国家通过各种途径，创造劳动就业条件，加强劳动保护，改善劳动条件，并在发展生产的基础上，提高劳动报酬和福利待遇。

Through various channels, the state creates conditions for employment, enhances occupational safety and health, improves working conditions and, on the basis of expanded production, increases remuneration for work and welfare benefits.

劳动是一切有劳动能力的公民的光荣职责。国营企业和城乡集体经济组织的劳动者都应当以国家主人翁的态度对待自己的劳动。

Work is a matter of honour for every citizen who is able to work. All working people in state enterprises and in urban and rural economic collectives should approach their work as the masters of the country that they are.

国家提倡社会主义劳动竞赛，奖励劳动模范和先进工作者。国家提倡公民从事义务劳动。

The state promotes socialist labour emulation, and commends and rewards model and advanced workers. The state encourages citizens to take part in voluntary labour.

国家对就业前的公民进行必要的劳动就业训练。

The state provides necessary vocational training for citizens before they are employed.

第四十三条 中华人民共和国劳动者有休息的权利。

Article 43 Working people in the People's Republic of China have the right to rest.

国家发展劳动者休息和休养的设施，规定职工的工作时间和休假制度。

The state expands facilities for the rest and recuperation of the working people and prescribes working hours and vacations for workers and staff.

第四十四条 国家依照法律规定实行企业事业组织的职工和国家机关工作人员的退休制度。退休人员的生活受到国家和社会的保障。

Article 44 The state applies the system of retirement for workers and staff of enterprises and institutions and for functionaries of organs of state according to law. The livelihood of retired personnel is ensured by the state and society.

第四十五条 中华人民共和国公民在年老、疾病或者丧失劳动能力的情况下，有从国家和社会获得物质帮助的权利。

Article 45 Citizens of the People's Republic of China have the right to material assistance from the state and society when they are old, ill or disabled.

国家发展为公民享受这些权利所需要的社会保险、社会救济和医疗卫生事业。

The state develops social insurance, social relief and medical and health services that are required for citizens to enjoy this right.

国家和社会保障残废军人的生活，抚恤烈士家属，优待军人家属。

The state and society ensure the livelihood of disabled members of the armed forces, provide pensions to the families of martyrs and give preferential treatment to the families of military personnel.

国家和社会帮助安排盲、聋、哑和其他有残疾的公民的劳动、生活和教育。

The state and society help make arrangements for the work, livelihood and education of the blind, deaf-mutes and other handicapped citizens.

第四十六条 中华人民共和国公民有受教育的权利和义务。

Article 46 Citizens of the People's Republic of China have the duty as well as the right to receive education.

国家培养青年、少年、儿童在品德、智力、体质等方面全面发展。

The state promotes the all-round development of children and young people, morally, intellectually and physically.

第四十七条 中华人民共和国公民有进行科学研究、文学艺术创作和其他文化活动的自由。国家对于从事教育、科学、技术、文学、艺术和其他文化事业的公民的有益于人民的创造性工作，给以鼓励和帮助。

Article 47 Citizens of the People's Republic of China have the freedom to engage in scientific research, literary and artistic creation and other cultural pursuits. The state encourages and assists creative endeavors conducive to the interests of the people that are made by citizens engaged in education, science, technology, literature, art and other cultural work.

第四十八条 中华人民共和国妇女在政治的、经济的、文化的、社会的和家庭的生活等各方面享有同男子平等的权利。

Article 48 Women in the People's Republic of China enjoy equal rights with men in all spheres of life, in political, economic, cultural, social and family life.

国家保护妇女的权利和利益，实行男女同工同酬，培养和选拔妇女干部。

The state protects the rights and interests of women, applies the principle of equal pay for equal work to men and women alike and trains and selects cadres from among women.

第四十九条 婚姻、家庭、母亲和儿童受国家的保护。

Article 49 Marriage, the family and mother and child are protected by the state.

夫妻双方有实行计划生育的义务。

Both husband and wife have the duty to practise family planning.

父母有抚养教育未成年子女的义务，成年子女有赡养扶助父母的义务。

Parents have the duty to rear and educate their children who are minors, and children who have come of age have the duty to support and assist their parents. Violation of the freedom of marriage is prohibited.

禁止破坏婚姻自由，禁止虐待老人、妇女和儿童。

Maltreatment of old people, women and children is prohibited.

第五十条 中华人民共和国保护华侨的正当的权利和利益，保护归侨和侨眷的合法的权利和利益。

Article 50 The People's Republic of China protects the legitimate rights and interests of Chinese nationals residing abroad and protects the lawful rights and interests of returned overseas Chinese and of the family members of Chinese nationals residing abroad.

第五十一条 中华人民共和国公民在行使自由和权利的时候，不得损害国家的、社会的、集体的利益和其他公民的合法的自由和权利。

Article 51 Citizens of the People's Republic of China, in exercising their freedoms and rights, may not infringe upon the interests of the state, of society or of the collective, or upon the lawful freedoms and rights of other citizens.

第五十二条 中华人民共和国公民有维护国家统一和全国民族团结的义务。

Article 52 It is the duty of citizens of the People's Republic of China to safeguard the unification of the country and the unity of all its nationalities.

第五十三条 中华人民共和国公民必须遵守宪法和法律，保守国家秘密，爱护公共财产，遵守劳动纪律，遵守公共秩序，尊重社会公德。

Article 53 Citizens of the People's Republic of China must abide by the Constitution and the law, keep state secrets, protect public property, observe labour discipline and public order and respect social ethics.

第五十四条 中华人民共和国公民有维护祖国的安全、荣誉和利益的义务，不得有危害祖国的安全、荣誉和利益的行为。

Article 54 It is the duty of citizens of the People's Republic of China to safeguard the security, honour and interests of the motherland; they must not commit acts detrimental to the security, honour and interests of the motherland.

第五十五条 保卫祖国、抵抗侵略是中华人民共和国每一个公民的神圣职责。

Article 55 It is the sacred duty of every citizen of the People's Republic of China to defend the motherland and resist aggression.

依照法律服兵役和参加民兵组织是中华人民共和国公民的光荣义务。

It is the honorable duty of citizens of the People's Republic of China to perform military service and join the militia in accordance with the law.

第五十六条 中华人民共和国公民有依照法律纳税的义务。

Article 56 It is duty of citizens of the People's Republic of China to pay taxes in accordance with the law.

第三章 国家机构 第一节 全国人民代表大会

Chapter III The Structure of the State Section 1 The National People's Congress

第五十七条 中华人民共和国全国人民代表大会是最高国家权力机关。它的常设机关是全国人民代表大会常务委员会。

Article 57 The National People's Congress of the People's Republic of China is the highest organ of state power. Its permanent body is the Standing Committee of the National People's Congress.

第五十八条 全国人民代表大会和全国人民代表大会常务委员会行使国家立法权。

Article 58 The National People's Congress and its Standing Committee exercise the legislative power of the state.

第五十九条 全国人民代表大会由省、自治区、直辖市和军队选出的代表组成。各少数民族都应当有适当名额的代表。

Article 59 The National People's Congress is composed of deputies elected from the provinces, autonomous regions and municipalities directly under the Central Government and of deputies elected from the armed forces. All the minority nationalities are entitled to appropriate representation.

全国人民代表大会代表的选举由全国人民代表大会常务委员会主持。

Election of deputies to the National People's Congress is conducted by the Standing Committee of the National People's Congress.

全国人民代表大会代表名额和代表产生办法由法律规定。

The number of deputies to the National People's Congress and the procedure of their election are prescribed by law.

第六十条 全国人民代表大会每届任期五年。

Article 60 The National People's Congress is elected for a term of five years.

全国人民代表大会任期届满的两个月以前，全国人民代表大会常务委员会必须完成下届全国人民代表大会代表的选举。

The Standing Committee of the National People's Congress must ensure the completion of election of deputies to the succeeding National People's Congress two months prior to the expiration of the term of office of the current National People's Congress.

如果遇到不能进行选举的非常情况，由全国人民代表大会常务委员会以全体组成人员的三分之二以上的多数通过，可以推迟选举，延长本届全国人民代表大会的任期。

Should extraordinary circumstances prevent such an election, it may be postponed and the term of office of the current National People's Congress extended by the decision of a vote of more than two-thirds of all those on the Standing Committee of the current National People's Congress.

在非常情况结束后一年内，必须完成下届全国人民代表大会代表的选举。

The election of deputies to the succeeding National People's Congress must be completed within one year after the termination of such extraordinary circumstances.

第六十一条 全国人民代表大会会议每年举行一次，由全国人民代表大会常务委员会召集。如果全国人民代表大会常务委员会认为必要，或者有五分之一以上的全国人民代表大会代表提议，可以临时召集全国人民代表大会会议。

Article 61 The National People's Congress meets in session once a year and is convened by its Standing Committee. A session of the National People's Congress may be convened at any time the Standing Committee deems it necessary or when more than one-fifth of the deputies to the National People's Congress so propose.

全国人民代表大会举行会议的时候，选举主席团主持会议。

When the National People's Congress meets, it elects a Presidium to conduct its session.

第六十二条 全国人民代表大会行使下列职权：

Article 62 The National People's Congress exercises the following functions and powers:

（一）修改宪法；

(1) to amend the Constitution;

（二）监督宪法的实施；

(2) to supervise the enforcement of the Constitution;

（三）制定和修改刑事、民事、国家机构的和其他的基本法律；

(3) to enact and amend basic laws governing criminal offences, civil affairs, the state organs and other matters;

（四）选举中华人民共和国主席、副主席；

(4) to elect the President and the Vice-President of the People's Republic of China;

（五）根据中华人民共和国主席的提名，决定国务院总理的人选；根据国务院总理的提名，决定国务院副总理、国务委员、各部部长、各委员会主任、审计长、秘书长的人选；

(5) to decide on the choice of the Premier of the State Council upon nomination by the President of the People's Republic of China, and on the choice of the Vice-Premiers, State Councillors, Ministers in charge of ministries or commissions, the Auditor-General and the Secretary-General of the State Council upon nomination by the Premier;

（六）选举中央军事委员会主席；根据中央军事委员会主席的提名，决定中央军事委员会其他组成人员的人选；

(6) to elect the Chairman of the Central Military Commission and, upon nomination by the Chairman, to decide on the choice of all other members of the Central Military Commission;

（七）选举最高人民法院院长；

(7) to elect the President of the Supreme People's Court;

（八）选举最高人民检察院检察长；

(8) to elect the Procurator-General of the Supreme People's Procuratorate;

（九）审查和批准国民经济和社会发展计划和计划执行情况的报告；

(9) to examine and approve the plan for national economic and social development and the report on its implementation;

（十）审查和批准国家的预算和预算执行情况的报告；

(10) to examine and approve the state budget and the report on its implementation;

（十一）改变或者撤销全国人民代表大会常务委员会不适当的决定；

(11) to alter or annul inappropriate decisions of the Standing Committee of the National People's Congress;

（十二）批准省、自治区和直辖市的建置；

(12) to approve the establishment of provinces, autonomous regions, and municipalities directly under the Central Government;

（十三）决定特别行政区的设立及其制度；

(13) to decide on the establishment of special administrative regions and the systems to be instituted there;

（十四）决定战争和和平的问题；

(14) to decide on questions of war and peace;

（十五）应当由最高国家权力机关行使的其他职权。

and (15) to exercise such other functions and powers as the highest organ of state power should exercise.

第六十三条 全国人民代表大会有权罢免下列人员：

Article 63 The National People's Congress has the power to remove from office the following persons:

（一）中华人民共和国主席、副主席；

(1) the President and the Vice-President of the People's Republic of China;

(二) 国务院总理、副总理、国务委员、各部部长、各委员会主任、审计长、秘书长;

(2) the Premier, Vice-Premiers, State Councillors, Ministers in charge of ministries or commissions, the Auditor-General and the Secretary-General of the State Council;

(三) 中央军事委员会主席和中央军事委员会其他组成人员;

(3) the Chairman of the Central Military Commission and other members of the Commission;

(四) 最高人民法院院长;

(4) the President of the Supreme People's Court;

(五) 最高人民检察院检察长。

and (5) the Procurator-General of the Supreme People's Procuratorate.

第六十四条 宪法的修改，由全国人民代表大会常务委员会或者五分之一以上的全国人民代表大会代表提议，并由全国人民代表大会以全体代表的三分之二以上的多数通过。

Article 64 Amendments to the Constitution are to be proposed by the Standing Committee of the National People's Congress or by more than one-fifth of the deputies to the National People's Congress and adopted by a vote of more than two-thirds of all the deputies to the Congress.

法律和其他议案由全国人民代表大会以全体代表的过半数通过。

Laws and resolutions are to be adopted by a majority vote of all the deputies to the National People's Congress.

第六十五条 全国人民代表大会常务委员会由下列人员组成:

Article 65 The Standing Committee of the National People's Congress is composed of the following:

委员长，副委员长若干人，秘书长，委员若干人。

the Chairman; the Vice-Chairmen; the Secretary-General; and the members.

全国人民代表大会常务委员会组成人员中，应当有适当名额的少数民族代表。

Minority nationalities are entitled to appropriate representation on the Standing Committee of the National People's Congress.

全国人民代表大会选举并有权罢免全国人民代表大会常务委员会的组成人员。

The National People's Congress elects, and has the power to recall, members of its Standing Committee.

全国人民代表大会常务委员会的组成人员不得担任国家行政机关、审判机关和检察机关的职务。

No one on the Standing Committee of the National People's Congress shall hold office in any of the administrative, judicial or procuratorial organs of the state.

第六十六条 全国人民代表大会常务委员会每届任期同全国人民代表大会每届任期相同，它行使职权到下届全国人民代表大会选出新的常务委员会为止。

Article 66 The Standing Committee of the National People's Congress is elected for the same term as the National People's Congress; it shall exercise its functions and powers until a new Standing Committee is elected by the succeeding National People's Congress.

委员长、副委员长连续任职不得超过两届。

The Chairman and Vice-Chairmen of the Standing Committee shall serve no more than two consecutive terms.

第六十七条 全国人民代表大会常务委员会行使下列职权：

Article 67 The Standing Committee of the National People's Congress exercises the following functions and powers:

（一）解释宪法，监督宪法的实施；

(1) to interpret the Constitution and supervise its enforcement;

（二）制定和修改除应当由全国人民代表大会制定的法律以外的其他法律；

(2) to enact and amend laws, with the exception of those which should be enacted by the National People's Congress;

（三）在全国人民代表大会闭会期间，对全国人民代表大会制定的法律进行部分补充和修改，但是不得同该法律的基本原则相抵触；

(3) to partially supplement and amend, when the National People's Congress is not in session, laws enacted by the National People's Congress provided that the basic principles of these laws are not contravened;

（四）解释法律；

(4) to interpret laws;

（五）在全国人民代表大会闭会期间，审查和批准国民经济和社会发展计划、国家预算在执行过程中所必须作的部分调整方案；

(5) to review and approve, when the National People's Congress is not in session, partial adjustments to the plan for national economic and social development or to the state budget that prove necessary in the course of their implementation;

(六) 监督国务院、中央军事委员会、最高人民法院和最高人民检察院的工作;

(6) to supervise the work of the State Council, the Central Military Commission, the Supreme People's Court and the Supreme People's Procuratorate;

(七) 撤销国务院制定的同宪法、法律相抵触的行政法规、决定和命令;

(7) to annul those administrative rules and regulations, decisions or orders of the State Council that contravene the Constitution or the law;

(八) 撤销省、自治区、直辖市国家权力机关制定的同宪法、法律和行政法规相抵触的地方性法规和决议;

(8) to annul those local regulations or decisions of the organs of state power of provinces, autonomous regions, and municipalities directly under the Central Government that contravene the Constitution, the law or the administrative rules and regulations;

(九) 在全国人民代表大会闭会期间, 根据国务院总理的提名, 决定部长、委员会主任、审计长、秘书长的人选;

(9) to decide, when the National People's Congress is not in session, on the choice of Ministers in charge of ministries or commissions, the Auditor-General or the Secretary-General of the State Council upon nomination by the Premier of the State Council;

(十) 在全国人民代表大会闭会期间, 根据中央军事委员会主席的提名, 决定中央军事委员会其他组成人员的人选;

(10) to decide, upon nomination by the Chairman of the Central Military Commission, on the choice of other members of the Commission, when the National People's Congress is not in session;

(十一) 根据最高人民法院院长的提请, 任免最高人民法院副院长、审判员、审判委员会委员和军事法院院长;

(11) to appoint or remove, at the recommendation of the President of the Supreme People's Court, the Vice-Presidents and Judges of the Supreme People's Court, members of its Judicial Committee and the President of the Military Court;

(十二) 根据最高人民检察院检察长的提请, 任免最高人民检察院副检察长、检察员、检察委员会委员和军事检察院检察长, 并且批准省、自治区、直辖市的人民检察院检察长的任免;

(12) to appoint or remove, at the recommendation of the Procurator-General of the Supreme People's Procuratorate, the Deputy Procurators-General and procurators of the

Supreme People's Procuratorate, members of its Procuratorial Committee and the Chief Procurator of the Military Procuratorate, and to approve the appointment or removal of the chief procurators of the people's procuratorates of provinces, autonomous regions, and municipalities directly under the Central Government;

(十三) 决定驻外全权代表的任免;

(13) to decide on the appointment or recall of plenipotentiary representatives abroad;

(十四) 决定同外国缔结的条约和重要协定的批准和废除;

(14) to decide on the ratification or abrogation of treaties and important agreements concluded with foreign states;

(十五) 规定军人和外交人员的衔级制度和其他专门衔级制度;

(15) to institute systems of titles and ranks for military and diplomatic personnel and of other specific titles and ranks;

(十六) 规定和决定授予国家的勋章和荣誉称号;

(16) to institute state medals and titles of honour and decide on their conferment;

(十七) 决定特赦;

(17) to decide on the granting of special pardons;

(十八) 在全国人民代表大会闭会期间, 如果遇到国家遭受武装侵犯或者必须履行国际间共同防止侵略的条约的情况, 决定战争状态的宣布;

(18) to decide, when the National People's Congress is not in session, on the proclamation of a state of war in the event of an armed attack on the country or in fulfillment of international treaty obligations concerning common defence against aggression;

(十九) 决定全国总动员或者局部动员;

(19) to decide on general mobilization or partial mobilization;

(二十) 决定全国或者个别省、自治区、直辖市的戒严;

(20) to decide on the imposition of martial law throughout the country or in particular provinces, autonomous regions, or municipalities directly under the Central Government;

(二十一) 全国人民代表大会授予的其他职权。

and (21) to exercise such other functions and powers as the National People's Congress may assign to it.

第六十八条 全国人民代表大会常务委员会委员长主持全国人民代表大会常务委员会的工作，召集全国人民代表大会常务委员会会议。副委员长、秘书长协助委员长工作。

Article 68 The Chairman of the Standing Committee of the National People's Congress directs the work of the Standing Committee and convenes its meetings. The Vice-Chairmen and the Secretary-General assist the Chairman in his work.

委员长、副委员长、秘书长组成委员长会议，处理全国人民代表大会常务委员会的重要日常工作。

The Chairman, the Vice-Chairmen and the Secretary-General constitute the Council of Chairmen which handles the important day-to-day work of the Standing Committee of the National People's Congress.

第六十九条 全国人民代表大会常务委员会对全国人民代表大会负责并报告工作。

Article 69 The Standing Committee of the National People's Congress is responsible to the National People's Congress and reports on its work to the Congress.

第七十条 全国人民代表大会设立民族委员会、法律委员会、财政经济委员会、教育科学文化卫生委员会、外事委员会、华侨委员会和其他需要设立的专门委员会。

Article 70 The National People's Congress establishes a Nationalities Committee, a Law Committee, a Finance and Economic Committee, an Education, Science, Culture and Public Health Committee, a Foreign Affairs Committee, an Overseas Chinese Committee and such other special committees as are necessary.

在全国人民代表大会闭会期间，各专门委员会受全国人民代表大会常务委员会的领导。

These special committees work under the direction of the Standing Committee of the National People's Congress when the Congress is not in session.

各专门委员会在全国人民代表大会和全国人民代表大会常务委员会领导下，研究、审议和拟订有关议案。

The special committees examine, discuss and draw up relevant bills and draft resolutions under the direction of the National People's Congress and its Standing Committee.

第七十一条 全国人民代表大会和全国人民代表大会常务委员会认为必要的时候，可以组织关于特定问题的调查委员会，并且根据调查委员会的报告，作出相应的决议。

Article 71 The National People's Congress and its Standing Committee may, when they deem it necessary, appoint committees of inquiry into specific questions and adopt relevant resolutions in the light of their reports.

调查委员会进行调查的时候，一切有关的国家机关、社会团体和公民都有义务向它提供必要的材料。

All organs of state, public organizations and citizens concerned are obliged to furnish necessary information to the committees of inquiry when they conduct investigations.

第七十二条 全国人民代表大会代表和全国人民代表大会常务委员会组成人员，有权依照法律规定的程序分别提出属于全国人民代表大会和全国人民代表大会常务委员会职权范围内的议案。

Article 72 Deputies to the National People's Congress and members of its Standing Committee have the right, in accordance with procedures prescribed by law, to submit bills and proposals within the scope of the respective functions and powers of the National People's Congress and its Standing Committee.

第七十三条 全国人民代表大会代表在全国人民代表大会开会期间，全国人民代表大会常务委员会组成人员在常务委员会开会期间，有权依照法律规定的程序提出对国务院或者国务院各部、各委员会的质询案。受质询的机关必须负责答复。

Article 73 Deputies to the National People's Congress and members of the Standing Committee have the right, during the sessions of the Congress and the meetings of the Committee, to address questions, in accordance with procedures prescribed by law, to the State Council or the ministries and commissions under the State Council, which must answer the questions in a responsible manner.

第七十四条 全国人民代表大会代表，非经全国人民代表大会会议主席团许可，在全国人民代表大会闭会期间非经全国人民代表大会常务委员会许可，不受逮捕或者刑事审判。

Article 74 No deputy to the National People's Congress may be arrested or placed on criminal trial without the consent of the Presidium of the current session of the National People's Congress or, when the National People's Congress is not in session, without the consent of its Standing Committee.

第七十五条 全国人民代表大会代表在全国人民代表大会各种会议上的发言和表决，不受法律追究。

Article 75 Deputies to the National People's Congress may not be held legally liable for their speeches or votes at its meetings.

第七十六条 全国人民代表大会代表必须模范地遵守宪法和法律，保守国家秘密，并且在自己参加的生产、工作和社会活动中，协助宪法和法律的实施。

Article 76 Deputies to the National People's Congress must play an exemplary role in abiding by the Constitution and the law and keeping state secrets and, in public activities, production and other work, assist in the enforcement of the Constitution and the law.

全国人民代表大会代表应当同原选举单位和人民保持密切的联系，听取和反映人民的意见和要求，努力为人民服务。

Deputies to the National People's Congress should maintain close contact with the units which elected them and with the people, heed and convey the opinions and demands of the people and work hard to serve them.

第七十七条 全国人民代表大会代表受原选举单位的监督。原选举单位有权依照法律规定的程序罢免本单位选出的代表。

Article 77 Deputies to the National People's Congress are subject to supervision by the units which elected them. The electoral units have the power, through procedures prescribed by law, to recall deputies they elected.

第七十八条 全国人民代表大会和全国人民代表大会常务委员会的组织和工作程序由法律规定。

Article 78 The organization and working procedures of the National People's Congress and its Standing Committee are prescribed by law.

第二节 中华人民共和国主席

Section 2 The President of the People's Republic of China

第七十九条 中华人民共和国主席、副主席由全国人民代表大会选举。

Article 79 The President and Vice-President of the People's Republic of China are elected by the National People's Congress.

有选举权和被选举权的年满四十五周岁的中华人民共和国公民可以被选为中华人民共和国主席、副主席。

Citizens of the People's Republic of China who have the right to vote and to stand for election and who have reached the age of 45 are eligible for election as President or Vice-President of the People's Republic of China.

中华人民共和国主席、副主席每届任期同全国人民代表大会每届任期相同，连续任职不得超过两届。

The term of office of the President and Vice-President of the People's Republic of China is the same as that of the National People's Congress, and they shall serve no more than two consecutive terms.

第八十条 中华人民共和国主席根据全国人民代表大会的决定和全国人民代表大会常务委员会的决定，公布法律，任免国务院总理、副总理、国务委员、各部部长、各委员会主任、审计长、秘书长，授予国家的勋章和荣誉称号，发布特赦令，发布戒严令，宣布战争状态，发布动员令。

Article 80 The President of the People's Republic of China, in pursuance of the decisions of the National People's Congress and its Standing Committee, promulgates statutes, appoints or removes the Premier, Vice-Premiers, State Councillors, Ministers in charge of ministries or commissions, the Auditor-General and the Secretary-General of the State Council; confers state medals and titles of honour; issues orders of special pardons; proclaims martial law; proclaims a state of war; and issues mobilization orders.

第八十一条 中华人民共和国主席代表中华人民共和国，接受外国使节；根据全国人民代表大会常务委员会的决定，派遣和召回驻外全权代表，批准和废除同外国缔结的条约和重要协定。

Article 81 The President of the People's Republic of China receives foreign diplomatic representatives on behalf of the People's Republic of China and, in pursuance of the decisions of the Standing Committee of the National People's Congress, appoints or recalls plenipotentiary representatives abroad, and ratifies or abrogates treaties and important agreements concluded with foreign states.

第八十二条 中华人民共和国副主席协助主席工作。

Article 82 The Vice-President of the People's Republic of China assists the President in his work.

中华人民共和国副主席受主席的委托，可以代行主席的部分职权。

The Vice-President of the People's Republic of China may exercise such functions and powers of the President as the President may entrust to him.

第八十三条 中华人民共和国主席、副主席行使职权到下届全国人民代表大会选出的主席、副主席就职为止。

Article 83 The President and Vice-President of the People's Republic of China exercise their functions and powers until the new President and Vice-President elected by the succeeding National People's Congress assume office.

第八十四条 中华人民共和国主席缺位的时候，由副主席继任主席的职位。

Article 84 In the event that the office of the President of the People's Republic of China falls vacant, the Vice-President succeeds to the office of the President.

中华人民共和国副主席缺位的时候，由全国人民代表大会补选。

In the event that the office of the Vice-President of the People's Republic of China falls vacant, the National People's Congress shall elect a new Vice-President to fill the vacancy.

中华人民共和国主席、副主席都缺位的时候，由全国人民代表大会补选；在补选以前，由全国人民代表大会常务委员会委员长暂时代理主席职位。

In the event that the office of both the President and the Vice-President of the People's Republic of China fall vacant, the National People's Congress shall elect a new President and

a new Vice-President. Prior to such election, the Chairman of the Standing Committee of the National People's Congress shall temporarily act as the President of the People's Republic of China.

第三节 国务院

Section 3 The State Council

第八十五条 中华人民共和国国务院，即中央人民政府，是最高国家权力机关的执行机关，是最高国家行政机关。

Article 85 The State Council, that is, the Central People's Government, of the People's Republic of China is the executive body of the highest organ of state power; it is the highest organ of state administration.

第八十六条 国务院由下列人员组成：

Article 86 The State Council is composed of the following:

总理，副总理若干人，国务委员若干人，各部部长，各委员会主任，审计长，秘书长，

the Premier; the Vice-Premiers; the State Councillors; the Ministers in charge of ministries; the Ministers in charge of commissions; the Auditor-General; and the Secretary-General.

国务院实行总理负责制。各部、各委员会实行部长、主任负责制。国务院的组织由法律规定。

The Premier assumes overall responsibility for the work of the State Council. The Ministers assume overall responsibility for the work of the ministries and commissions. The organization of the State Council is prescribed by law.

第八十七条 国务院每届任期同全国人民代表大会每届任期相同。

Article 87 The term of office of the State Council is the same as that of the National People's Congress.

总理、副总理、国务委员连续任职不得超过两届。

The Premier, Vice-Premiers and State Councillors shall serve no more than two consecutive terms.

第八十八条 总理领导国务院的工作。副总理、国务委员协助总理工作。

Article 88 The Premier directs the work of the State Council. The Vice-Premiers and State Councillors assist the Premier in his work.

总理、副总理、国务委员、秘书长组成国务院常务会议。

Executive meetings of the State Council are to be attended by the Premier, the Vice-Premiers, the State Councillors and the Secretary-General of the State Council.

总理召集和主持国务院常务会议和国务院全体会议。

The Premier convenes and presides over the executive meetings and plenary meetings of the State Council.

第八十九条 国务院行使下列职权： 外语教%育网 www.for68.com

Article 89 The State Council exercises the following functions and powers:

(一) 根据宪法和法律，规定行政措施，制定行政法规，发布决定和命令；

(1) to adopt administrative measures, enact administrative rules and regulations and issue decisions and orders in accordance with the Constitution and the law;

(二) 向全国人民代表大会或者全国人民代表大会常务委员会提出议案；

(2) to submit proposals to the National People's Congress or its Standing Committee;

(三) 规定各部和各委员会的任务和职责，统一领导各部和各委员会的工作，并且领导不属于各部和各委员会的全国性的行政工作；

(3) to formulate the tasks and responsibilities of the ministries and commissions of the State Council, to exercise unified leadership over the work of the ministries and commissions and to direct all other administrative work of a national character that does not fall within the jurisdiction of the ministries and commissions;

(四) 统一领导全国地方各级国家行政机关的工作，规定中央和省、自治区、直辖市的国家行政机关的职权的具体划分；

(4) to exercise unified leadership over the work of local organs of state administration at various levels throughout the country, and to formulate the detailed division of functions and powers between the Central Government and the organs of state administration of provinces, autonomous regions, and municipalities directly under the Central Government;

(五) 编制和执行国民经济和社会发展计划和国家预算；

(5) to draw up and implement the plan for national economic and social development and the state budget;

(六) 领导和管理经济工作和城乡建设；

(6) to direct and administer economic affairs and urban and rural development;

(七) 领导和管理教育、科学、文化、卫生、体育和计划生育工作；

(7) to direct and administer the affairs of education, science, culture, public health, physical culture and family planning;

(八) 领导和管理民政、公安、司法行政和监察等工作;

(8) to direct and administer civil affairs, public security, judicial administration, supervision and other related matters;

(九) 管理对外事务, 同外国缔结条约和协定;

(9) to conduct foreign affairs and conclude treaties and agreements with foreign states;

(十) 领导和管理国防建设事业;

(10) to direct and administer the building of national defence;

(十一) 领导和管理民族事务, 保障少数民族的平等权利和民族自治地方的自治权利;

(11) to direct and administer affairs concerning the nationalities and to safeguard the equal rights of minority nationalities and the right to autonomy of the national autonomous areas;

(十二) 保护华侨的正当的权利和利益, 保护归侨和侨眷的合法的权利和利益;

(12) to protect the legitimate rights and interests of Chinese nationals residing abroad and protect the lawful rights and interests of returned overseas Chinese and of the family members of Chinese nationals residing abroad;

(十三) 改变或者撤销各部、各委员会发布的不适当的命令、指示和规章;

(13) to alter or annul inappropriate orders, directives and regulations issued by the ministries or commissions;

(十四) 改变或者撤销地方各级国家行政机关的不适当的决定和命令;

(14) to alter or annul inappropriate decisions and orders issued by local organs of state administration at various levels;

(十五) 批准省、自治区、直辖市的区域划分, 批准自治州、县、自治县、市的建置和区域划分;

(15) to approve the geographic division of provinces, autonomous regions and municipalities directly under the Central Government, and to approve the establishment and geographic division of autonomous prefectures, counties, autonomous counties, and cities;

(十六) 决定省、自治区、直辖市的范围内部分地区的戒严;

(16) to decide on the imposition of martial law in parts of provinces, autonomous regions, and municipalities directly under the Central Government;

(十七) 审定行政机构的编制，依照法律规定任免、培训、考核和奖惩行政人员；

(17) to examine and decide on the size of administrative organs and, in accordance with the law, to appoint or remove administrative officials, train them, appraise their performance and reward or punish them;

(十八) 全国人民代表大会和全国人民代表大会常务委员会授予的其他职权。

and (18) to exercise such other functions and powers as the National People's Congress or its Standing Committee may assign to it.

第九十条 国务院各部部长、各委员会主任负责本部门的工作；召集和主持部务会议或者委员会会议、委务会议，讨论决定本部门工作的重大问题。

Article 90 Ministers in charge of the ministries or commissions of the State Council are responsible for the work of their respective departments and they convene and preside over ministerial meetings or general and executive meetings of the commissions to discuss and decide on major issues in the work of their respective departments.

各部、各委员会根据法律和国务院的行政法规、决定、命令，在本部门的权限内，发布命令、指示和规章。

The ministries and commissions issue orders, directives and regulations within the jurisdiction of their respective departments and in accordance with the law and the administrative rules and regulations, decisions and orders issued by the State Council.

第九十一条 国务院设立审计机关，对国务院各部门和地方各级政府的财政收支，对国家的财政金融机构和企业事业组织的财务收支，进行审计监督。

Article 91 The State Council establishes an auditing body to supervise through auditing the revenue and expenditure of all departments under the State Council and of the local governments at various levels, and the revenue and expenditure of all financial and monetary organizations, enterprises and institutions of the state.

审计机关在国务院总理领导下，依照法律规定独立行使审计监督权，不受其他行政机关、社会团体和个人的干涉。

Under the direction of the Premier of the State Council, the auditing body independently exercises its power of supervision through auditing in accordance with the law, subject to no interference by any other administrative organ or any public organization or individual.

第九十二条 国务院对全国人民代表大会负责并报告工作；在全国人民代表大会闭会期间，对全国人民代表大会常务委员会负责并报告工作。

Article 92 The State Council is responsible and reports on its work to the National People's Congress or, when the National People's Congress is not in session, to its Standing Committee.

第三章 国家机构 第四节 中央军事委员会

Section 4 The Central Military Commission

第九十三条 中华人民共和国中央军事委员会领导全国武装力量。

Article 93 The Central Military Commission of the People's Republic of China directs the armed forces of the country.

中央军事委员会由下列人员组成：主席，副主席若干人，委员若干人，

The Central Military Commission is composed of the following: the Chairman; the Vice-Chairmen; and the members.

中央军事委员会实行主席负责制。

The Chairman assumes overall responsibility for the work of the Central Military Commission.

中央军事委员会每届任期同全国人民代表大会每届任期相同。

The term of office of the Central Military Commission is the same as that of the National People's Congress.

第九十四条 中央军事委员会主席对全国人民代表大会和全国人民代表大会常务委员会负责。

Article 94 The Chairman of the Central Military Commission is responsible to the National People's Congress and its Standing Committee.

第三章 国家机构 第五节 地方各级人民代表大会 和地方各级人民政府

Section 5 The Local People's Congresses and Local People's Governments at Various Levels

第九十五条 省、直辖市、县、市、市辖区、乡、民族乡、镇设立人民代表大会和人民政府#。

Article 95 People's congresses and people's governments are established in provinces, municipalities directly under the Central Government, counties, cities, municipal districts, townships, nationality townships, and towns.

地方各级人民代表大会和地方各级人民政府的组织由法律规定。

The organization of local people's congresses and local people's governments at various levels is prescribed by law.

自治区、自治州、自治县设立自治机关。自治机关的组织和工作根据宪法第三章第五节、第六节规定的基本原则由法律规定。

Organs of self-government are established in autonomous regions, autonomous prefectures and autonomous counties. The organization and working procedures of organs of self-government are prescribed by law in accordance with the basic principles laid down in Sections 5 and 6 of Chapter III of the Constitution.

第九十六条 地方各级人民代表大会是地方国家权力机关。

Article 96 Local people's congresses at various levels are local organs of state power.

县级以上地方各级人民代表大会设立常务委员会。

Local people's congresses at and above the county level establish standing committees.

第九十七条 省、直辖市、设区的市的人民代表大会代表由下一级的人民代表大会选举；县、不设区的市、市辖区、乡、民族乡、镇的人民代表大会代表由选民直接选举。

Article 97 Deputies to the people's congresses of provinces, municipalities directly under the Central Government and cities divided into districts are elected by the people's congresses at the next lower level; deputies to the people's congresses of counties, cities not divided into districts, municipal districts, townships, nationality townships, and towns are elected directly by their constituencies.

地方各级人民代表大会代表名额和代表产生办法由法律规定。

The number of deputies to local people's congresses at various levels and the manner of their election are prescribed by law.

第九十八条 省、直辖市、设区的市的人民代表大会每届任期五年。县、不设区的市、市辖区、乡、民族乡、镇的人民代表大会每届任期三年。

Article 98 The term of office of the people's congresses of provinces, municipalities directly under the Central Government and cities divided into districts is five years. The term of office of the people's congresses of counties, cities not divided into districts, municipal districts, townships, nationality townships, and towns is three years.

第九十九条 地方各级人民代表大会在本行政区域内，保证宪法、法律、行政法规的遵守和执行；依照法律规定的权限，通过和发布决议，审查和决定地方的经济建设、文化建设和公共事业建设的计划。

Article 99 Local people's congresses at various levels ensure the observance and implementation of the Constitution and the law and the administrative rules and regulations in their respective administrative areas. Within the limits of their authority as prescribed by law, they adopt and issue resolutions and examine and decide on plans for local economic and cultural development and for the development of public services.

县级以上地方各级人民代表大会审查和批准本行政区域内的国民经济和社会发展规划、预算以及它们的执行情况的报告；有权改变或者撤销本级人民代表大会常务委员会不适当的决定。

Local people's congresses at and above the county level shall examine and approve the plans for economic and social development and the budgets of their respective administrative areas and examine and approve the reports on their implementation. They have the power to alter or annul inappropriate decisions of their own standing committees.

民族乡的人民代表大会可以依照法律规定的权限采取适合民族特点的具体措施。

The people's congresses of nationality townships may, within the limits of their authority as prescribed by law, take specific measures suited to the characteristics of the nationalities concerned.

第一百条 省、直辖市的人民代表大会和它们的常务委员会，在不同宪法、法律、行政法规相抵触的前提下，可以制定地方性法规，报全国人民代表大会常务委员会备案。

Article 100 The people's congresses of provinces and municipalities directly under the Central Government and their standing committees may adopt local regulations, which must not contravene the Constitution and the law and administrative rules and regulations, and they shall report such local regulations to the Standing Committee of the National People's Congress for the record.

第一百零一条 地方各级人民代表大会分别选举并且有权罢免本级人民政府的省长和副省长、市长和副市长、县长和副县长、区长和副区长、乡长和副乡长、镇长和副镇长。

Article 101 Local people's congresses at their respective levels elect and have the power to recall governors and deputy governors, or mayors and deputy mayors, or heads and deputy heads of counties, districts, townships and towns.

县级以上地方各级人民代表大会选举并且有权罢免本级人民法院院长和本级人民检察院检察长。选出或者罢免人民检察院检察长，须报上级人民检察院检察长提请该级人民代表大会常务委员会批准。

Local people's congresses at and above the county level elect, and have the power to recall, presidents of people's courts and chief procurators of people's procuratorates at the corresponding level. The election or recall of chief procurators of people's procuratorates shall be reported to the chief procurators of the people's procuratorates at the next higher level for submission to the standing committees of the people's congresses at the corresponding level for approval.

第一百零二条 省、直辖市、设区的市的人民代表大会代表受原选举单位的监督；县、不设区的市、市辖区、乡、民族乡、镇的人民代表大会代表受选民的监督。

Article 102 Deputies to the people's congresses of provinces, municipalities directly under the Central Government and cities divided into districts are subject to supervision by the units which elected them; deputies to the people's congresses of counties, cities not divided into districts, municipal districts, townships, nationality townships, and towns are subject to supervision by their constituencies.

地方各级人民代表大会代表的选举单位和选民有权依照法律规定的程序罢免由他们选出的代表。

The electoral units and constituencies which elect deputies to local people's congresses at various levels have the power to recall the deputies according to procedures prescribed by law.

第一百零三条 县级以上的地方各级人民代表大会常务委员会由主任、副主任若干人和委员若干人组成，对本级人民代表大会负责并报告工作。

Article 103 The standing committee of a local people's congress at and above the county level is composed of a chairman, vice-chairmen and members, and is responsible and reports on its work to the people's congress at the corresponding level.

县级以上的地方各级人民代表大会选举并有权罢免本级人民代表大会常务委员会的组成人员。

A local people's congress at or above the county level elects, and has the power to recall, members of its standing committee.

县级以上的地方各级人民代表大会常务委员会的组成人员不得担任国家行政机关、审判机关和检察机关的职务。

No one on the standing committee of a local people's congress at or above the county level shall hold office in state administrative, judicial and procuratorial organs.

第一百零四条 县级以上的地方各级人民代表大会常务委员会讨论、决定本行政区域内各方面工作的重大事项；监督本级人民政府、人民法院和人民检察院的工作；

Article 104 The standing committee of a local people's congress at or above the county level discusses and decides on major issues in all fields of work in its administrative area; supervises the work of the people's government, people's court and people's procuratorate at the corresponding level;

撤销本级人民政府的不适当的决定和命令；撤销下一级人民代表大会的不适当的决议；依照法律规定的权限决定国家机关工作人员的任免；在本级人民代表大会闭会期间，罢免和补选上一级人民代表大会的个别代表。

annuls inappropriate decisions and orders of the people's government at the corresponding level; annuls inappropriate resolutions of the people's congress at the next lower level; decides on the appointment or removal of functionaries of state organs within the limits of its authority as prescribed by law; and, when the people's congress at the corresponding level is not in

session, recalls individual deputies to the people's congress at the next higher level and elects individual deputies to fill vacancies in that people's congress.

第一百零五条 地方各级人民政府是地方各级国家权力机关的执行机关，是地方各级国家行政机关。

Article 105 Local people's governments at various levels are the executive bodies of local organs of state power as well as the local organs of state administration at the corresponding levels.

地方各级人民政府实行省长、市长、县长、区长、乡长、镇长负责制。

Governors, mayors and heads of counties, districts, townships and towns assume overall responsibility for local people's governments at various levels.

第一百零六条 地方各级人民政府每届任期同本级人民代表大会每届任期相同。

Article 106 The term of office of local people's governments at various levels is the same as that of the people's congresses at the corresponding levels.

第一百零七条 县级以上地方各级人民政府依照法律规定的权限，管理本行政区域内的经济、教育、科学、文化、卫生、体育事业、城乡建设事业和财政、民政、公安、民族事务、司法行政、监察、计划生育等行政工作，发布决定和命令，任免、培训、考核和奖惩行政工作人员。

Article 107 Local people's governments at and above the county level, within the limits of their authority as prescribed by law, conduct administrative work concerning the economy, education, science, culture, public health, physical culture, urban and rural development, finance, civil affairs, public security, nationalities affairs, judicial administration, supervision and family planning in their respective administrative areas; issue decisions and orders; appoint or remove administrative functionaries, train them, appraise their performance and reward or punish them.

乡、民族乡、镇的人民政府执行本级人民代表大会的决议和上级国家行政机关的决定和命令，管理本行政区域内的行政工作。

People's governments of townships, nationality townships, and towns execute the resolutions of the people's congresses at the corresponding levels as well as the decisions and orders of the state administrative organs at the next higher level and conduct administrative work in their respective administrative areas.

省、直辖市的人民政府决定乡、民族乡、镇的建置和区域划分。

People's governments of provinces and municipalities directly under the Central Government decide on the establishment and geographic division of townships, nationality townships, and towns.

第一百零八条 县级以上的地方各级人民政府领导所属各工作部门和下级人民政府的工作，有权改变或者撤销所属各工作部门和下级人民政府的不适当的决定。

Article 108 Local people's governments at and above the county level direct the work of their subordinate departments and of people's governments at lower levels, and have the power to alter or annul inappropriate decisions of their subordinate departments and of the people's governments at lower levels.

第一百零九条 县级以上的地方各级人民政府设立审计机关。地方各级审计机关依照法律规定独立行使审计监督权，对本级人民政府和上一级审计机关负责。

Article 109 Auditing bodies are established by local people's governments at and above the county level. Local auditing bodies at various levels independently exercise their power of supervision through auditing in accordance with the law and are responsible to the people's government at the corresponding level and to the auditing body at the next higher level.

第一百一十条 地方各级人民政府对本级人民代表大会负责并报告工作。县级以上的地方各级人民政府在本级人民代表大会闭会期间，对本级人民代表大会常务委员会负责并报告工作。

Article 110 Local people's governments at various levels are responsible and report on their work to people's congresses at the corresponding levels. Local people's governments at and above the county level are responsible and report on their work to the standing committees of the people's congresses at the corresponding levels when the congresses are not in session.

地方各级人民政府对上一级国家行政机关负责并报告工作。

Local people's governments at various levels are responsible and report on their work to the state administrative organs at the next higher level.

全国地方各级人民政府都是国务院统一领导下的国家行政机关，都服从国务院。

Local people's governments at various levels throughout the country are state administrative organs under the unified leadership of the State Council and are subordinate to it.

第一百一十一条 城市和农村按居民居住地区设立的居民委员会或者村民委员会是基层群众性自治组织。居民委员会、村民委员会的主任、副主任和委员由居民选举。居民委员会、村民委员会同基层政权的相互关系由法律规定。

Article 111 The residents committees and villagers committees established among urban and rural residents on the basis of their place of residence are mass organizations of self-management at the grass-roots level. The chairman, vice-chairmen and members of each residents or villagers committee are elected by the residents. The relationship between the residents and villagers committees and the grass-roots organs of state power is prescribed by law.

居民委员会、村民委员会设人民调解、治安保卫、公共卫生等委员会，办理本居住地区的公共事务和公益事业，调解民间纠纷，协助维护社会治安，并且向人民政府反映群众的意见、要求和提出建议。

The residents and villagers committees establish sub-committees for people's mediation, public security, public health and other matters in order to manage public affairs and social services in their areas, mediate civil disputes, help maintain public order and convey residents opinions and demands and make suggestions to the people's government.

第三章 国家机构 第六节 民族自治地方的自治机关

Section 6 The Organs of Self-Government of National Autonomous Areas

第一百一十二条 民族自治地方的自治机关是自治区、自治州、自治县的人民代表大会和人民政府。

Article 112 The organs of self-government of national autonomous areas are the people's congresses and people's governments of autonomous regions, autonomous prefectures and autonomous counties.

第一百一十三条 自治区、自治州、自治县的人民代表大会中，除实行区域自治的民族的代表外，其他居住在本行政区域内的民族也应当有适当名额的代表。

Article 113 In the people's congress of an autonomous region, autonomous prefecture or autonomous county, in addition to the deputies of the nationality exercising regional autonomy in the administrative area, the other nationalities inhabiting the area are also entitled to appropriate representation.

自治区、自治州、自治县的人民代表大会常务委员会中应当有实行区域自治的民族的代表担任主任或者副主任。

Among the chairman and vice-chairmen of the standing committee of the people's congress of an autonomous region, autonomous prefecture or autonomous county there shall be one or more citizens of the nationality or nationalities exercising regional autonomy in the area concerned.

第一百一十四条 自治区主席、自治州州长、自治县县长由实行区域自治的民族的代表担任。

Article 114 The chairman of an autonomous region, the prefect of an autonomous prefecture or the head of an autonomous county shall be a citizen of the nationality exercising regional autonomy in the area concerned.

第一百一十五条 自治区、自治州、自治县的自治机关行使宪法第三章第五节规定的地方国家机关的职权，同时依照宪法、民族区域自治法和其他法律规定的权限行使自治权，根据本地方实际情况贯彻执行国家的法律、政策。

Article 115 The organs of self-government of autonomous regions, autonomous prefectures and autonomous counties exercise the functions and powers of local organs of state as specified in Section 5 of Chapter III of the Constitution. At the same time, they exercise the power of autonomy within the limits of their authority as prescribed by the Constitution, the Law of the People's Republic of China on Regional National Autonomy and other laws and implement the laws and policies of the state in the light of the existing local situation.

第一百一十六条 民族自治地方的人民代表大会有权依照当地民族的政治、经济和文化的特点，制定自治条例和单行条例。

Article 116 The people's congresses of national autonomous areas have the power to enact regulations on the exercise of autonomy and other separate regulations in the light of the political, economic and cultural characteristics of the nationality or nationalities in the areas concerned.

自治区的自治条例和单行条例，报全国人民代表大会常务委员会批准后生效。自治州、自治县的自治条例和单行条例，报省或者自治区的人民代表大会有权常务委员会批准后生效，并报全国人民代表大会常务委员会备案。

The regulations on the exercise of autonomy and other separate regulations of autonomous regions shall be submitted to the Standing Committee of the National People's Congress for approval before they go into effect. Those of autonomous prefectures and counties shall be submitted to the standing committee of the people's congresses of provinces or autonomous regions for approval before they go into effect, and they shall be reported to the Standing Committee of the National People's Congress for the record.

第一百一十七条 民族自治地方的自治机关有管理地方财政的自治权。凡是依照国家财政体制属于民族自治地方的财政收入，都应当由民族自治地方的自治机关自主地安排使用。

Article 117 The organs of self-government of the national autonomous areas have the power of autonomy in administering the finances of their areas. All revenues accruing to the national autonomous areas under the financial system of the state shall be managed and used by the organs of self- government of those areas on their own.

第一百一十八条 民族自治地方的自治机关在国家计划的指导下，自主地安排和管理地方性的经济建设事业。

Article 118 The organs of self-government of the national autonomous areas independently arrange for and administer local economic development under the guidance of state plans.

国家在民族自治地方开发资源、建设企业的时候，应当照顾民族自治地方的利益。

In exploiting natural resources and building enterprises in the national autonomous areas, the state shall give due consideration to the interests of those areas.

第一百一十九条 民族自治地方的自治机关自主地管理本地方的教育、科学、文化、卫生、体育事业，保护和整理民族的文化遗产，发展和繁荣民族文化。

Article 119 The organs of self-government of the national autonomous areas independently administer educational, scientific, cultural, public health and physical culture affairs in their respective areas, protect and sift through the cultural heritage of the nationalities and work for a vigorous development of their cultures.

第一百二十条 民族自治地方的自治机关依照国家的军事制度和当地的实际需要，经国务院批准，可以组织本地方维护社会治安的公安部队。

Article 120 The organs of self-government of the national autonomous areas may, in accordance with the military system of the state and practical local needs and with the approval of the State Council, organize local public security forces for the maintenance of public order.

第一百二十一条 民族自治地方的自治机关在执行职务的时候，依照本民族自治地方自治条例的规定，使用当地通用的一种或者几种语言文字。

Article 121 In performing their functions, the organs of self-government of the national autonomous areas, in accordance with the regulations on the exercise of autonomy in those areas, employ the spoken and written language or languages in common use in the locality.

第一百二十二条 国家从财政、物资、技术等方面帮助各少数民族加速发展经济建设和文化建设事业。

Article 122 The state provides financial, material and technical assistance to the minority nationalities to accelerate their economic and cultural development.

国家帮助民族自治地方从当地民族中大量培养各级干部、各种专业人才和技术工人。

The state helps the national autonomous areas train large numbers of cadres at various levels and specialized personnel and skilled workers of various professions and trades from among the nationality or nationalities in those areas.

第三章 国家机构 第七节 人民法院和人民检察院

Section 7 The People's Courts and the People's Procuratorates

第一百二十三条 中华人民共和国人民法院是国家的审判机关。

Article 123 The people's courts of the People's Republic of China are the judicial organs of the state.

第一百二十四条 中华人民共和国设立最高人民法院、地方各级人民法院和军事法院等专门人民法院。

Article 124 The People's Republic of China establishes the Supreme People's Court and the people's courts at various local levels, military courts and other special people's courts.

最高人民法院院长每届任期同全国人民代表大会每届任期相同，连续任职不得超过两届。

The term of office of the President of the Supreme People's Court is the same as that of the National People's Congress. The President shall serve no more than two consecutive terms.

人民法院的组织由法律规定。

The organization of the people's courts is prescribed by law.

第一百二十五条 人民法院审理案件，除法律规定的特殊情况外，一律公开进行。被告人有权获得辩护。

Article 125 Except in special circumstances as specified by law, all cases in the people's courts are heard in public. The accused has the right to defence.

第一百二十六条 人民法院依照法律规定独立行使审判权，不受行政机关、社会团体和个人的干涉。

Article 126 The people's courts exercise judicial power independently, in accordance with the provisions of the law, and are not subject to interference by any administrative organ, public organization or individual.

第一百二十七条 最高人民法院是最高审判机关。

Article 127 The Supreme People's Court is the highest judicial organ.

最高人民法院监督地方各级人民法院和专门人民法院的审判工作，上级人民法院监督下级人民法院的审判工作。

The Supreme People's Court supervises the administration of justice by the people's courts at various local levels and by the special people's courts. People's courts at higher levels supervise the administration of justice by those at lower levels.

第一百二十八条 最高人民法院对全国人民代表大会和全国人民代表大会常务委员会负责。地方各级人民法院对产生它的国家权力机关负责。

Article 128 The Supreme People's Court is responsible to the National People's Congress and its Standing Committee. Local people's courts at various levels are responsible to the organs of state power which created them.

第一百二十九条 中华人民共和国人民检察院是国家的法律监督机关。

Article 129 The people's procuratorates of the People's Republic of China are state organs for legal supervision.

第一百三十条 中华人民共和国设立最高人民检察院、地方各级人民检察院和军事检察院等专门人民检察院。

Article 130 The People's Republic of China establishes the Supreme People's Procuratorate and the people's procuratorates at various local levels, military procuratorates and other special people's procuratorates.

最高人民检察院检察长每届任期同全国人民代表大会每届任期相同，连续任职不得超过两届。

The term of office of the Procurator-General of the Supreme People's Procuratorate is the same as that of the National People's Congress; the Procurator-General shall serve no more than two consecutive terms.

人民检察院的组织由法律规定。

The organization of the people's procuratorates is prescribed by law.

第一百三十一条 人民检察院依照法律规定独立行使检察权，不受行政机关、社会团体和个人的干涉。

Article 131 The people's procuratorates exercise procuratorial power independently, in accordance with the provisions of the law, and are not subject to interference by any administrative organ, public organization or individual.

第一百三十二条 最高人民检察院是最高检察机关。

Article 132 The Supreme People's Procuratorate is the highest procuratorial organ.

最高人民检察院领导地方各级人民检察院和专门人民检察院的工作，上级人民检察院领导下级人民检察院的工作。

The Supreme People's Procuratorate directs the work of the people's procuratorates at various local levels and of the special people's procuratorates. People's procuratorates at higher levels direct the work of those at lower levels.

第一百三十三条 最高人民检察院对全国人民代表大会和全国人民代表大会常务委员会负责。地方各级人民检察院对产生它的国家权力机关和上级人民检察院负责。

Article 133 The Supreme People's Procuratorate is responsible to the National People's Congress and its Standing Committee. People's procuratorates at various local levels are responsible to the organs of state power which created them and to the people's procuratorates at higher levels.

第一百三十四条 各民族公民都有用本民族语言文字进行诉讼的权利。人民法院和人民检察院对于不通晓当地通用的语言文字的诉讼参与人，应当为他们翻译。

Article 134 Citizens of all China's nationalities have the right to use their native spoken and written languages in court proceedings. The people's courts and people's procuratorates should provide translation for any party to the court proceedings who is not familiar with the spoken or written languages commonly used in the locality.

在少数民族聚居或者多民族共同居住的地区，应当用当地通用的语言进行审理；起诉书、判决书、布告和其他文书应当根据实际需要使用当地通用的一种或者几种文字。

In an area where people of a minority nationality live in a concentrated community or where a number of nationalities live together, court hearings should be conducted in the language or languages commonly used in the locality; indictments, judgments, notices and other documents should be written, according to actual needs, in the language or languages commonly used in the locality.

第一百三十五条 人民法院、人民检察院和公安机关办理刑事案件，应当分工负责，互相配合，互相制约，以保证准确有效地执行法律。

Article 135 The people's courts, the people's procuratorates and the public security organs shall, in handling criminal cases, divide their functions, each taking responsibility for its own work, and they shall coordinate their efforts and check each other to ensure the correct and effective enforcement of the law.

第四章 国旗、国徽、首都

Chapter IV The National Flag, the National Emblem and the Capital

第一百三十六条 中华人民共和国国旗是五星红旗。

Article 136 The national flag of the People's Republic of China is a red flag with five stars.

第一百三十七条 中华人民共和国国徽，中间是五星照耀下的天安门，周围是谷穗和齿轮。

Article 137 The national emblem of the People's Republic of China consists of an image of Tian'anmen in its centre illuminated by five stars and encircled by ears of grain and a cogwheel.

第一百三十八条 中华人民共和国首都北京。

Article 138 The capital of the People's Republic of China is Beijing.

中华人民共和国立法法 Legislation Law of the People's Republic of China

第一章 总则 Chapter One: General Provisions

第一条为了规范立法活动，健全国家立法制度，建立和完善有中国特色社会主义法律体系，保障和发展社会主义民主，推进依法治国，建设社会主义法治国家，根据宪法，制定本法。

Article 1 This Law is enacted in accordance with the Constitution in order to standardize lawmaking activities, to perfect state legislative institution, to establish and perfect our socialist legal system with Chinese characteristics, to safeguard and develop socialist democracy, to promote the governance of the country through legal mechanism, and to build a socialist country under the rule of law.

第二条法律、行政法规、地方性法规、自治条例和单行条例的制定、修改和废止，适用本法。

Article 2 The enactment, amendment and repeal of any national law, administrative regulation, local decree, autonomous decree and special decree shall be governed by this Law.

国务院部门规章和地方政府规章的制定、修改和废止，依照本法的有关规定执行。

The enactment, amendment and repeal of administrative rules promulgated by agencies under the State Council and local rules promulgated by local governments shall be carried out in accordance with the relevant provisions of this Law.

第三条立法应当遵循宪法的基本原则，以经济建设为中心，坚持社会主义道路、坚持人民民主专政、坚持中国*的领导、坚持马克思列宁主义毛泽东思想邓小平理论，坚持改革开放。

Article 3 Lawmaking shall adhere to the basic principles of the Constitution, and shall be centered around economic development, and shall adhere to the socialist road, adhere to the democratic dictatorship by the people, adhere to the leadership by the Chinese Communist Party, and adhere to the theory of Marxism, Leninism and Mao Zedong thoughts and Dengxiaping theory, and adhere to the reform and opening to the outside world.

第四条立法应当依照法定的权限和程序，从国家整体利益出发，维护社会主义法制的统一和尊严。

Article 4 Lawmaking shall comply with legally prescribed scope of authority and procedure, and shall serve the national interests and safeguard the uniformity and dignity of our socialist legal system.

第五条立法应当体现人民的意志，发扬社会主义民主，保障人民通过多种途径参与立法活动。

Article 5 Lawmaking shall reflect the will of the people, promote socialist democracy, and ensure that people are able to participate in the lawmaking process through various channels.

第六条立法应当从实际出发，科学合理地规定公民、法人和其他组织的权利与义务、国家机关的权力与责任。

Article 6 Lawmaking shall be based on actual circumstances, and shall, in a scientific and reasonable manner, prescribe the rights and obligations of citizens, legal persons and other organizations, and the powers and duties of state organs.

第二章 法律 Chapter Two: National law

第一节 立法权限 Section One Scope of Lawmaking Authority

第七条全国人民代表大会和全国人民代表大会常务委员会行使国家立法权。

Article 7 The National People's Congress and Standing Committee thereof shall exercise state legislative power.

全国人民代表大会制定和修改刑事、民事、国家机构的和其他的基本法律。

The National People's Congress enacts and amends criminal, civil, and state organic laws and other basic laws.

全国人民代表大会常务委员会制定和修改除应当由全国人民代表大会制定的法律以外的其他法律；在全国人民代表大会闭会期间，对全国人民代表大会制定的法律进行部分补充和修改，但是不得同该法律的基本原则相抵触。

The Standing Committee of National People's Congress enacts and amends laws other than those to be enacted by the National People's Congress; while the National People's Congress is not in session, the Standing Committee thereof partially amends and supplements national law enacted by the National People's Congress, provided that any amendment or supplement may not contravene the basic principles of such national law.

第八条 下列事项只能制定法律：

Article 8 Only national law may be enacted in respect of matters relating to:

(一)国家主权的事项；

(i) state sovereignty;

(二)各级人民代表大会、人民政府、人民法院和人民检察院的产生、组织和职权；

(ii) the establishment, organization and authority of various people's congresses, people's governments, people's courts and people's procuratorates;

(三)民族区域自治制度、特别行政区制度、基层群众自治制度；

(iii) autonomy system of ethnic regions, system of special administrative region, and system of autonomy at the grass-root level;

(四)犯罪和刑罚;

(iv) crimes and criminal sanctions;

(五)对公民政治权利的剥夺、限制人身自由的强制措施和处罚;

(v) the deprivation of the political rights of a citizen, or compulsory measures and penalties involving restriction of personal freedom;

(六)对非国有财产的征收;

(vi) expropriation of non-state assets;

(七)民事基本制度;

(vii) fundamental civil institutions;

(八)基本经济制度以及财政、税收、海关、金融和外贸的基本制度;

(viii) fundamental economic system and basic fiscal, tax, customs, financial and foreign trade systems;

(九)诉讼和仲裁制度;

(ix) litigation and arbitration system;

(十)必须由全国人民代表大会及其常务委员会制定法律的其他事项。

(x) other matters the regulation of which must be carried out through enactment of national law by the National People's Congress or the Standing Committee thereof.

第九条本法第八条规定的事项尚未制定法律的，全国人民代表大会及其常务委员会有权作出决定，授权国务院可以根据实际需要，对其中的部分事项先制定行政法规，但是有关犯罪和刑罚、对公民政治权利的剥夺和限制人身自由的强制措施和处罚、司法制度等事项除外。

Article 9 In the event that no national law has been enacted in respect of a matter enumerated in Article 8 hereof, the National People's Congress and the Standing Committee thereof have the power to make a decision to enable the State Council to enact administrative regulations in respect of part of the matters concerned for the time being, except where the matter relates to crime and criminal sanctions, the deprivation of a citizen's political rights, compulsory measure and penalty restricting the personal freedom of a citizen, and the judicial system.

第十条 授权决定应当明确授权的目的、范围。

Article 10 An enabling decision shall specify the objective and scope of the authorization.

被授权机关应当严格按照授权目的和范围行使该项权力。

The enabled body shall exercise such power in strict compliance with the objectives and scope of authorization.

被授权机关不得将该项权力转授给其他机关。

The enabled body may not re-delegate its authority to any other body.

第十一条授权立法事项，经过实践检验，制定法律的条件成熟时，由全国人民代表大会及其常务委员会及时制定法律。法律制定后，相应立法事项的授权终止。

Article 11 For a matter covered by an enabling decision, if the conditions are ripe for the enactment of a national law, the National People's Congress or the Standing Committee thereof shall enact a national law in a timely manner. Upon enactment of the national law, the relevant authority for lawmaking in respect of the matter shall be terminated.

第二节 全国人民代表大会立法程序

Section Two The Legislative Process of the National People's Congress

第十二条全国人民代表大会主席团可以向全国人民代表大会提出法律案，由全国人民代表大会会议审议。

Article 12 The presidium of the National People's Congress may introduce a bill to the National People's Congress for deliberation in its current session.

全国人民代表大会常务委员会、国务院、中央军事委员会、最高人民法院、最高人民检察院、全国人民代表大会各专门委员会，可以向全国人民代表大会提出法律案，由主席团决定列入会议议程。

The State Council, the Central Military Committee, the Supreme People's Court, the Supreme People's Procuratorate, and the various special committees of the National People's Congress may introduce a bill to the National People's Congress, which shall be put onto the agenda of the current session by a decision of the presidium.

第十三条一个代表团或者三十名以上的代表联名，可以向全国人民代表大会提出法律案，由主席团决定是否列入会议议程，或者先交有关的专门委员会审议、提出是否列入会议议程的意见，再决定是否列入会议议程。

Article 13 A delegation, or delegates of at least 30 people acting jointly, may introduce a bill to the National People's Congress, and the presidium shall decide whether to put such bill onto the agenda of the current session, or whether to refer such bill to the relevant special committee for deliberation, and such special committee shall make a recommendation as to whether such bill shall be put onto the agenda of the current session, whereupon the presidium shall decide whether to do so.

专门委员会审议的时候可以邀请提案人列席会议，发表意见。

In the course of deliberation of the bill, the special committee may invite the bill sponsor to the deliberation session to give comments.

第十四条向全国人民代表大会提出的法律案，在全国人民代表大会闭会期间，可以先向常务委员会提出，经常务委员会会议依照本法第二章第三节规定的有关程序审议后，决定提请全国人民代表大会审议，由常务委员会向大会全体会议作说明，或者由提案人向大会全体会议作说明。

Article 14 While the National People's Congress is in recess, a bill to be introduced to it may first be submitted to the Standing Committee thereof, which shall submit such bill to the National People's Congress by way of a decision after it has deliberated on it in accordance with the relevant procedures set forth in Section 3 of Chapter 2 hereof, and the Standing Committee or the bill sponsor shall brief the plenary session.

第十五条常务委员会决定提请全国人民代表大会会议审议的法律案，应当在会议举行的一个月前将法律草案发给代表。

Article 15 For a bill which the Standing Committee has decided to submit to the upcoming session of the National People's Congress for deliberation, the draft law shall be distributed to the delegates one month prior to the commencement of the session.

第十六条列入全国人民代表大会会议议程的法律案，大会全体会议听取提案人的说明后，由各代表团进行审议。

Article 16 For a bill which has been put on the agenda of the current session of the National People's Congress, the plenary session shall be briefed by the bill sponsor, whereupon the delegations shall begin deliberation.

各代表团审议法律案时，提案人应当派人听取意见，回答询问。

In the course of deliberation of the bill by the delegations, the bill sponsor shall send representatives to hear comments and answer questions.

各代表团审议法律案时，根据代表团的要求，有关机关、组织应当派人介绍情况。

In the course of deliberation of the bill by the delegations, upon request by a delegation, the relevant agency or organization shall send representatives to brief the delegation.

第十七条列入全国人民代表大会会议议程的法律案，由有关的专门委员会进行审议，向主席团提出审议意见，并印发会议。

Article 17 A bill which has been put on the agenda of the current session of the National People's Congress shall be deliberated by the relevant special committee, which shall submit its deliberation opinions to the presidium, and such opinions shall be printed and distributed to the delegates attending the session.

第十八条列入全国人民代表大会会议议程的法律案，由法律委员会根据各代表团和有关的专门委员会的审议意见，对法律案进行统一审议，向主席团提出审议结果报

告和法律草案修改稿，对重要的不同意见应当在审议结果报告中予以说明，经主席团会议审议通过后，印发会议。

Article 18 For a bill which has been put on the agenda of the current session of the National People's Congress, after gathering the deliberation opinions delivered by the delegations and the relevant special committee, the Legislative Committee shall conduct a uniform deliberation, and afterwards shall deliver to the presidium a deliberation report and the amended draft law, and the deliberation report shall contain explanations of the major differences of opinions, and after the presidium has deliberated and passed the deliberation report and the amended draft law, they shall be printed and circulated to the delegates attending the session.

第十九条列入全国人民代表大会会议议程的法律案，必要时，主席团常务主席可以召开各代表团团长会议，就法律案中的重大问题听取各代表团的审议意见，进行讨论，并将讨论的情况和意见向主席团报告。

Article 19 For a bill which has been put on the agenda of the current session of the National People's Congress, where necessary, the executive chairman of the presidium may call a session of the delegation leaders to hear the deliberation opinions of the various delegations on major matters covered by the bill and conduct discussions, and shall report to the presidium the status of the discussion and the opinions expressed.

主席团常务主席也可以就法律案中的重大的专门性问题，召集代表团推选的有关代表进行讨论，并将讨论的情况和意见向主席团报告。

The executive chairman of the presidium may also call a session of the relevant delegates elected by various delegations to discuss major special issues involved in the bill, and shall report to the presidium the status of the discussion and the opinions expressed.

第二十条列入全国人民代表大会会议议程的法律案，在交付表决前，提案人要求撤回的，应当说明理由，经主席团同意，并向大会报告，对该法律案的审议即行终止。

Article 20 If before a bill which has been put on the agenda of the current session of the National People's Congress is brought to a vote, its sponsor requests for its withdrawal, the bill sponsor shall explain the reason for the withdrawal, and subject to consent by the presidium, a report shall be made to the plenary session, whereupon deliberation on the bill shall terminate.

第二十一条法律案在审议中有重大问题需要进一步研究的，经主席团提出，由大会全体会议决定，可以授权常务委员会根据代表的意见进一步审议，作出决定，并将决定情况向全国人民代表大会下次会议报告；也可以授权常务委员会根据代表的意见进一步审议，提出修改方案，提请全国人民代表大会下次会议审议决定。

Article 21 Where in the course of deliberating a bill, major issues are encountered, upon motion brought by the presidium and decided upon by the plenary session, the Standing Committee may be authorized to conduction further deliberation based on the opinions of the delegates, and the Standing Committee shall report its decision to the next session of the National People's Congress; the Standing Committee may also be authorized to conduct further deliberation and prepare an amendment plan, to be submitted to the next session of the National People's Congress for deliberation and decision.

第二十二条法律草案修改稿经各代表团审议，由法律委员会根据各代表团的审议意见进行修改，提出法律草案表决稿，由主席团提请大会全体会议表决，由全体代表的过半数通过。

Article 22 After deliberation by the delegations, the amended draft law shall be further amended by the Legislative Committee based on the deliberating opinions of the delegations, and the Legislative Committee shall present a voting version of the draft law to be submitted by the presidium to the plenary session for voting, and such version shall be adopted if it receives affirmative votes from more than half of all delegates.

第二十三条全国人民代表大会通过的法律由国家主席签署主席令予以公布。

Article 23 A national law enacted by the National People's Congress shall be promulgated by way of a presidential order signed by the state president.

第三节 全国人民代表大会常务委员会立法程序

Section Three The Legislative Process of the Standing Committee of the National People's Congress

第二十四条委员长会议可以向常务委员会提出法律案，由常务委员会会议审议。

Article 24 The Chairman's Committee may introduce a bill to the Standing Committee for deliberation during its current session.

国务院、中央军事委员会、最高人民法院、最高人民检察院、全国人民代表大会各专门委员会，可以向常务委员会提出法律案，由委员长会议决定列入常务委员会会议议程，或者先交有关的专门委员会审议、提出报告，再决定列入常务委员会会议议程。如果委员长会议认为法律案有重大问题需要进一步研究，可以建议提案人修改完善后再向常务委员会提出。

The State Council, the Central Military Committee, the Supreme People's Court, the Supreme People's Procuratorate, the various special committees of the Standing Committee may introduce a bill to the Standing Committee, and the Chairman's Committee shall make a decision to put the bill on the agenda of the upcoming session of the Standing Committee, or first refer it to the relevant special committee for deliberation, and a report on it shall be submitted by the special committee, whereupon the Chairman's Committee will decide to put it on the agenda of the upcoming session of the Standing Committee. If the Chairman's Committee is of the opinion that there are material issues outstanding in respect of the bill which require further study, it may advise that the bill sponsor revise and improve the bill before it is introduced to the Standing Committee.

第二十五条常务委员会组成人员十人以上联名，可以向常务委员会提出法律案，由委员长会议决定是否列入常务委员会会议议程，或者先交有关的专门委员会审议、提出是否列入会议议程的意见，再决定是否列入常务委员会会议议程。不列入常务委员会会议议程的，应当向常务委员会会议报告或者向提案人说明。

Article 25 Ten or more members of the Standing Committee acting jointly, may introduce a bill to the Standing Committee, and the Chairman's Committee shall decide whether to put it on the agenda of the Standing Committee's session, or whether to refer it to the relevant special committee for deliberation and recommendation before deciding to put it on the agenda. Where such bill is not put on the agenda of the Standing Committee session, the Chairman's Committee shall make a report to the Standing Committee session or give an explanation to the bill sponsor.

专门委员会审议的时候可以邀请提案人列席会议，发表意见。

In the course of deliberation, the special committee may invite the bill sponsor to the session to give comments.

第二十六条列入常务委员会会议议程的法律案，除特殊情况外，应当在会议举行的七日前将法律草案发给常务委员会组成人员。

Article 26 For a bill which has been put on the agenda of the session of the Standing Committee, unless special circumstances arise, the draft law shall be distributed to the members of the Standing Committee seven days prior to commencement of the session.

第二十七条列入常务委员会会议议程的法律案，一般应当经三次常务委员会会议审议后再交付表决。

Article 27 A bill which has been put on the agenda of the Standing Committee session shall in general be deliberated three times in the current session of the Standing Committee before being voted on.

常务委员会会议第一次审议法律案，在全体会议上听取提案人的说明，由分组会议进行初步审议。

During the first deliberation of the bill at the current Standing Committee session, the bill sponsor shall brief the plenary session, whereupon preliminary deliberation shall be conducted by divided group sessions.

常务委员会会议第二次审议法律案，在全体会议上听取法律委员会关于法律草案修改情况和主要问题的汇报，由分组会议进一步审议。

During the second deliberation of the bill at the current Standing Committee session, the Legislative Committee shall brief the plenary session on the status of amendment and major issues in respect of the draft law, whereupon further deliberation shall be conducted by divided group sessions.

常务委员会会议第三次审议法律案，在全体会议上听取法律委员会关于法律草案审议结果的报告，由分组会议对法律草案修改稿进行审议。

During the third deliberation of the bill at the current Standing Committee session, the Legislative Committee shall give a report to the plenary session on the result of the deliberation on the draft law, whereupon deliberation on the amended draft law shall be conducted by divided group sessions.

常务委员会审议法律案时，根据需要，可以召开联组会议或者全体会议，对法律草案中的主要问题进行讨论。

In the course of deliberation, if necessary, the Standing Committee may convene a joint group session or a plenary session to discuss the major issues of the draft law.

第二十八条列入常务委员会会议议程的法律案，各方面意见比较一致的，可以经两次常务委员会会议审议后交付表决；部分修改的法律案，各方面的意见比较一致的，也可以经一次常务委员会会议审议即交付表决。

Article 28 For a bill which has been put on the agenda of the session of the Standing Committee, if a preponderant consensus is formed, it may be brought to a vote after two deliberations by the session of the Standing Committee; for a bill which partially amends a national law, if a preponderant consensus is formed, it may be brought to a vote after one deliberation by the session of the Standing Committee.

第二十九条常务委员会分组会议审议法律案时，提案人应当派人听取意见，回答询问。

Article 29 In the course of deliberation by the subgroups of the Standing Committee, the bill sponsor shall send representatives to the deliberating sessions to hear comments and answer questions.

常务委员会分组会议审议法律案时，根据小组的要求，有关机关、组织应当派人介绍情况。

In the course of deliberation by the subgroups of the Standing Committee, if requested by a subgroup, the relevant agency or organization shall send representatives to brief the subgroup.

第三十条列入常务委员会会议议程的法律案，由有关的专门委员会进行审议，提出审议意见，印发常务委员会会议。

Article 30 A bill which has been put on the agenda of the Standing Committee session shall be deliberated by the relevant special committee, which shall present its deliberation opinions, which shall be printed and distributed to members attending the Standing Committee session.

有关的专门委员会审议法律案时，可以邀请其他专门委员会的成员列席会议，发表意见。

In the course of deliberation, the relevant special committee may invite members of other special committees to the session to give comments.

第三十一条列入常务委员会会议议程的法律案，由法律委员会根据常务委员会组成人员、有关的专门委员会的审议意见和各方面提出的意见，对法律案进行统一审议，提出修改情况的汇报或者审议结果报告和法律草案修改稿，对重要的不同意见应当在汇报或者审议结果报告中予以说明。对有关的专门委员会的重要审议意见没有采纳的，应当向有关的专门委员会反馈。

Article 31 For a bill which has been put on the agenda of the session of the Standing Committee, the Legislative Committee shall conduct uniform deliberation based on the opinions expressed by the members of the Standing Committee, the deliberation opinions delivered by the relevant special committee and concerned constituents, and thereafter it shall give a report on the status of amendment or deliver a deliberation result report and the amended draft law, and the status report or deliberation result report shall contain notes on the major difference of opinions. Where a major deliberation opinion by a relevant special committee has not been adopted, the Legislative Committee shall give an explanation in its status report or deliberation result report. If a major deliberation opinion expressed by a relevant special committee is not adopted, the Legislative Committee shall also report back to the special committee.

法律委员会审议法律案时，可以邀请有关的专门委员会的成员列席会议，发表意见。 外语教育网 www.for68.com

In the course of deliberation, the Legislative Committee may invite members of the relevant special committee to the session to give comments.

第三十二条专门委员会审议法律案时，应当召开全体会议审议，根据需要，可以要求有关机关、组织派有关负责人说明情况。

Article 32 In the course of deliberation, a special committee shall convene a plenary session to conduct the deliberation, and where necessary, it may request that the relevant agency or organization send its relevant person in charge to brief the session.

第三十三条专门委员会之间对法律草案的重要问题意见不一致时，应当向委员长会议报告。

Article 33 Where there is a difference of opinion among the special committees on a major matter covered by the draft law, they shall report such difference to the Chairman's Committee.

第三十四条列入常务委员会会议议程的法律案，法律委员会、有关的专门委员会和常务委员会工作机构应当听取各方面的意见。听取意见可以采取座谈会、论证会、听证会等多种形式。

Article 34 For a bill which has been put on the agenda of the session of the Standing Committee, the relevant special committee and the office of operation of the Standing Committee shall hear the opinions of the concerned constituents. In gathering opinions, various methods may be adopted, such as panel discussion, feasibility study meeting, hearing, etc.

常务委员会工作机构应当将法律草案发送有关机关、组织和专家征求意见，将意见整理后送法律委员会和有关的专门委员会，并根据需要，印发常务委员会会议。

The Standing Committee's office of operation shall distribute the draft law to the relevant agency, organization and experts for comments, and shall compile such comments and present them to the Legislative Committee and the relevant special committee, and where necessary, it shall distribute them to the current session of the Standing Committee.

第三十五条列入常务委员会会议议程的重要的法律案，经委员长会议决定，可以将法律草案公布，征求意见。各机关、组织和公民提出的意见送常务委员会工作机构。

Article 35 For a major bill which has been put on the agenda of the session of the Standing Committee, upon decision by the Chairman's Committee, the draft law may be presented to the public for comments. The comments presented by the various agencies, organizations and citizens shall be submitted to the office of operation of the Standing Committee.

第三十六条列入常务委员会会议议程的法律案，常务委员会工作机构应当收集整理分组审议的意见和各方面提出的意见以及其他有关资料，分送法律委员会和有关的专门委员会，并根据需要，印发常务委员会会议。

Article 36 For a bill which has been put on the agenda of the session of the Standing Committee, the office of operation of the Standing Committee shall collect and compile the comments made by the subgroups during deliberation, as well as comments made by concerned constituents, and where necessary, it shall distribute them to the current session of the Standing Committee.

第三十七条列入常务委员会会议议程的法律案，在交付表决前，提案人要求撤回的，应当说明理由，经委员长会议同意，并向常务委员会报告，对该法律案的审议即行终止。

Article 37 If the sponsor of a bill which has been put on the agenda of the session of the Standing Committee requests for withdrawal of such bill before it is brought to a vote, the bill sponsor shall give an explanation, and subject to consent by the Chairman's Committee, a report shall be made to the Standing Committee, whereupon the deliberation on the bill shall terminate.

第三十八条法律案经常务委员会三次会议审议后，仍有重大问题需要进一步研究的，由委员长会议提出，经联组会议或者全体会议同意，可以暂不付表决，交法律委员会和有关的专门委员会进一步审议。

Article 38 If, after three deliberations by the Standing Committee session, a bill still has major issues which require further study, upon a motion brought by the Chairman's Committee, and upon approval by the joint group session or the plenary session, voting on the bill may be postponed, whereupon the bill shall be submitted to the Legislative Committee and the relevant special committee for further deliberation.

第三十九条列入常务委员会会议审议的法律案，因各方面对制定该法律的必要性、可行性等重大问题存在较大意见分歧搁置审议满两年的，或者因暂不付表决经过两年没有再次列入常务委员会会议议程审议的，由委员长会议向常务委员会报告，该法律案终止审议。

Article 39 For a bill which has been put on the agenda of the session of the Standing Committee, if deliberation on the bill has been postponed for two years due to major differences among the concerned constituents on major issues such as the necessity or feasibility of enacting such bill, or voting was postponed and the bill has not been put on the agenda of the session of the Standing Committee for two years, the Chairman's Committee shall make a report to the Standing Committee, whereupon deliberation on the bill shall terminate.

第四十条法律草案修改稿经常务委员会会议审议，由法律委员会根据常务委员会组成人员的审议意见进行修改，提出法律草案表决稿，由委员长会议提请常务委员会全体会议表决，由常务委员会全体组成人员的过半数通过。

Article 40 Upon deliberation of the draft law by the Standing Committee session, the Legislative Committee shall make further amendment based on the comments made during deliberation by members of the Standing Committee, and shall present a voting version of the draft law, and the Chairman's Committee shall bring the draft law for a vote by the plenary session of the Standing Committee, whereupon such bill shall be enacted if more than half of the votes cast by the members of the Standing Committee are affirmative.

第四十一条常务委员会通过的法律由国家主席签署主席令予以公布。

Article 41 A national law passed by the National People's Congress shall be promulgated by way of a presidential order signed by the state president.

第四节 法律解释

Section Four Interpretations of National law

第四十二条法律解释权属于全国人民代表大会常务委员会。

Article 42 The power to interpret a national law shall vest in the Standing Committee of National People's Congress.

法律有以下情况之一的，由全国人民代表大会常务委员会解释：

The Standing Committee of National People's Congress shall give interpretation to a national law in any of the following circumstances:

(一)法律的规定需要进一步明确具体含义的；

(i) the specific meaning of a provision of such legislation requires further clarification;

(二)法律制定后出现新的情况，需要明确适用法律依据的。

(ii) a new situation arises after enactment of such legislation, thereby requiring clarification of the basis of its application.

第四十三条国务院、中央军事委员会、最高人民法院、最高人民检察院和全国人民代表大会各专门委员会以及省、自治区、直辖市的人民代表大会常务委员会可以向全国人民代表大会常务委员会提出法律解释要求。

Article 43 The State Council, the Central Military Committee, the Supreme People's Court, the Supreme People's Procuratorate, the various special committees of the Standing Committee and the Standing Committee of the People's Congress of various provinces, autonomous regions and municipality directly under the central government may make a request for legislative interpretation to the Standing Committee of National People's Congress.

第四十四条常务委员会工作机构研究拟订法律解释草案，由委员长会议决定列入常务委员会会议议程。

Article 44 The office of operation of the Standing Committee shall research and prepare draft legislative interpretation, and shall be put on the agenda of the upcoming session of the Standing Committee upon decision by the Chairman's Committee.

第四十五条法律解释草案经常务委员会会议审议，由法律委员会根据常务委员会组成人员的审议意见进行审议、修改，提出法律解释草案表决稿。

Article 45 After deliberation by the session of the Standing Committee, the draft legislative interpretation shall be deliberated and amended by the Legislative Committee based on comments made by members of the Standing Committee, and it shall submit a voting version of the draft legislative interpretation.

第四十六条法律解释草案表决稿由常务委员会全体组成人员的过半数通过，由常务委员会发布公告予以公布。

Article 46 The voting version of the draft legislative interpretation shall be adopted if affirmed by more than half of all members of the Standing Committee, and shall be promulgated by the Standing Committee by way of a public announcement.

第四十七条全国人民代表大会常务委员会的法律解释同法律具有同等效力。

Article 47 Legislative interpretations issued by the Standing Committee of National People's Congress shall have the same force as national law.

第五节 其他规定

Section Five Other Provisions

第四十八条提出法律案，应当同时提出法律草案文本及其说明，并提供必要的资料。法律草案的说明应当包括制定该法律的必要性和主要内容。

Article 48 In introducing a bill, the bill sponsor shall at the same time submit the draft law and the accompanying commentaries, and shall also provide the necessary materials. Commentaries to the draft law shall also explain the necessity for its enactment and its main content.

第四十九条向全国人民代表大会及其常务委员会提出的法律案，在列入会议议程前，提案人有权撤回。

Article 49 For a bill introduced to the National People's Congress and its Standing Committee, the bill sponsor is entitled to withdraw the bill before it is put on the agenda.

第五十条交付全国人民代表大会及其常务委员会全体会议表决未获得通过的法律案，如果提案人认为必须制定该法律，可以按照法律规定的程序重新提出，由主席团、

委员长会议决定是否列入会议议程；其中，未获得全国人民代表大会通过的法律案，应当提请全国人民代表大会审议决定。

Article 50 Where a bill introduced to the National People's Congress and its Standing Committee has been voted on by the plenary session and fails to pass, if the bill sponsor deems it necessary to enact such legislation, he may re-introduce it in accordance with legally prescribed procedures, and the presidium or the Chairman's Committee shall decide whether it shall be put on the agenda; specifically, if a bill fails to be adopted by the National People's Congress, it shall be re-introduced to the National People's Congress for deliberation and decision.

第五十一条 法律应当明确规定施行日期。

Article 51 A law shall specify a date for its implementation.

第五十二条签署公布法律的主席令载明该法律的制定机关、通过和施行日期。

Article 52 The presidential order for promulgation of the law shall set forth the enactment organ, the date of adoption and the date of implementation.

法律签署公布后，及时在全国人民代表大会常务委员会公报和在全国范围内发行的报纸上刊登。

Upon signing and promulgation, the law shall be published on the Bulletin of the Standing Committee of National People's Congress and nationally circulated newspapers in a timely manner.

在常务委员会公报上刊登的法律文本为标准文本。

The version of the law printed on the Bulletin of the Standing Committee of National People's Congress shall be the standard version.

第五十三条 法律的修改和废止程序，适用本章的有关规定。

Article 53 The procedure for amendment and repeal of national law shall be governed by the provisions of this Chapter.

法律部分条文被修改或者废止的，必须公布新的法律文本。

Where a law is partially amended or repealed, a new version shall be published.

第五十四条法律根据内容需要，可以分编、章、节、条、款、项、目。

Article 54 Where necessary as required by its content, a law may adopt a structure consisting of Parts, Chapters, Sections, Articles, Paragraphs, Items, and Sub-items.

编、章、节、条的序号用中文数字依次表述，款不编序号，项的序号用中文数字加括号依次表述，目的序号用阿拉伯数字依次表述。

The number for a Part, Chapter, Section, or Article shall be in Chinese character in numerical order, and Paragraphs shall not be numbered, the number for an item shall be a Chinese number in parenthesis in numerical order, and the number for a sub-item shall be an Arabic number in numerical order.

法律标题的题注应当载明制定机关、通过日期。

The subtitle of a law shall set forth the enacting organ and the date of promulgation.

第五十五条全国人民代表大会常务委员会工作机构可以对有关具体问题的法律询问进行研究予以答复，并报常务委员会备案。

Article 55 The office of operation of the Standing Committee of National People's Congress may study questions raised regarding specific aspects of a law and give a response, which shall also be submitted to the Standing Committee for filing.

第三章 行政法规

Chapter Three: Administrative Regulations

第五十六条国务院根据宪法和法律，制定行政法规。行政法规可就下列事项作出规定：

Article 56 The State Council enacts administrative regulations in accordance with the Constitution and national law. Administrative regulations may provide for the following:

(一)为执行法律的规定需要制定行政法规的事项；

(i) matters for which enactment of administrative regulations is required in order to implement a national law;

(二)宪法第八十九条规定的国务院行政管理职权的事项。

(ii) matters subject to the administrative regulation of the State Council under Article 89 of the Constitution.

应当由全国人民代表大会及其常务委员会制定法律的事项，国务院根据全国人民代表大会及其常务委员会的授权决定先制定的行政法规，经过实践检验，制定法律的条件成熟时，国务院应当及时提请全国人民代表大会及其常务委员会制定法律。

If a matter which ought to be regulated by national law enacted by the National People's Congress and its Standing Committee, and pursuant to a enabling decision issued by the National People's Congress and its Standing Committee, the State Council has enacted an administrative regulation for the time being, and after trial by practice, the conditions for enactment of the relevant national law has matured, the State Council shall timely submit a request to the National People's Congress and its Standing Committee for enactment of the relevant national law.

第五十七条行政法规由国务院组织起草。国务院有关部门认为需要制定行政法规的，应当向国务院报请立项。

Article 57 An administrative regulation shall be drafted by the State Council, where the relevant agency of the State Council deems it necessary to enact an administrative regulation, it shall apply to the State Council for preliminary approval.

第五十八条行政法规在起草过程中，应当广泛听取有关机关、组织和公民的意见。听取意见可以采取座谈会、论证会、听证会等多种形式。

Article 58 In the process of drafting an administrative regulation, the drafting body shall gather opinions from a wide circle of constituents such as the relevant agencies, organizations and citizens. The gathering of opinions may be in various forms such as panel discussion, feasibility study meeting, hearing etc.

第五十九条行政法规起草工作完成后，起草单位应当将草案及其说明、各方面对草案主要问题的不同意见和其他有关资料送国务院法制机构进行审查。

Article 59 Upon completion of a draft administrative regulation, the drafting body shall submit the following to the State Council's legislative affairs office for review: the draft administrative regulation, commentaries, the major difference of opinions on major issues covered by the draft expressed by the various constituencies, and other relevant materials.

国务院法制机构应当向国务院提出审查报告和草案修改稿，审查报告应当对草案主要问题作出说明。

The legislative affairs office of the State Council shall submit to the State Council a review report and the amended version of the draft, and the review report shall explain the major matters covered by the draft.

第六十条行政法规的决定程序依照中华人民共和国国务院组织法的有关规定办理。

Article 60 The enactment procedure for an administrative regulation shall comply with the relevant provisions of the State Council Organic Law of the People's Republic of China.

第六十一条 行政法规由总理签署国务院令公布。

Article 61 An administrative regulation shall be promulgated by way of a State Council order signed by the premier.

第六十二条行政法规签署公布后，及时在国务院公报和在全国范围内发行的报纸上刊登。

Article 62 Upon signing and promulgation, an administrative regulation shall be published in the State Council Bulletin and nationally circulated newspapers in a timely manner.

在国务院公报上刊登的行政法规文本为标准文本。

The version appearing on the State Council Bulletin shall be the standard version.

第四章 地方性法规、自治条例和 单行条例、规章

Chapter Four: Local Decrees, Autonomous Decrees and Special Decrees, and Rules

第一节地方性法规、自治条例和单行条例

Section One Local Decrees, Autonomous Decrees and Special Decrees

第六十三条省、自治区、直辖市的人民代表大会及其常务委员会根据本行政区域的具体情况和实际需要，在不同宪法、法律、行政法规相抵触的前提下，可以制定地方性法规。

Article 63 In light of the specific situations and actual needs of the jurisdiction, the People's Congress of a province, autonomous region, municipality directly under the central government and the Standing Committee thereof may enact local decrees provided that they shall not contravene any provision of the Constitution, national law and administrative regulations.

较大的市的人民代表大会及其常务委员会根据本市的具体情况和实际需要，在不同宪法、法律、行政法规和本省、自治区的地方性法规相抵触的前提下，可以制定地方性法规，报省、自治区的人民代表大会常务委员会批准后施行。省、自治区的人民代表大会常务委员会对报请批准的地方性法规，应当对其合法性进行审查，同宪法、法律、行政法规和本省、自治区的地方性法规不抵触的，应当在四个月内予以批准。

In light of the specific situations and actual needs of the jurisdiction, the People's Congress and its Standing Committee in a major city may enact local decrees provided that they shall not contravene any provision of the Constitution, national law, administrative regulations and the local decrees in force in the province or autonomous region in which the city is located, and such local decrees shall be implemented after they are reviewed and approved by the Standing Committee of the People's Congress of the province or autonomous region. The Standing Committee of the People's Congress of the province or autonomous region shall review the legality of a decrees submitted to it for approval, and shall grant approval within four months if such decree does not contravene any provision of the Constitution, national law, administrative regulations, and the local decrees in force in the province or autonomous region in which the city is located.

省、自治区的人民代表大会常务委员会在对报请批准的较大的市的地方性法规进行审查时，发现其同本省、自治区的人民政府的规章相抵触的，应当作出处理决定。

In the course of reviewing a local decree submitted to it by a major city, if the Standing Committee of the People's Congress of the province or autonomous region finds that it contravenes a local rule issued by the People's Government of the province or autonomous region, it shall decide on how to handle such situation.

本法所称较大的市是指省、自治区的人民政府所在地的市，经济特区所在地的市和经国务院批准的较大的市。

For purposes of this Law, a major city refers to a city where the People's Government of the province or autonomous region is seated, the city where a special economic zone is located, and any other major city approved by the State Council.

第六十四条 地方性法规可以就下列事项作出规定：

Article 64 A local decree may provide for the following:

(一)为执行法律、行政法规的规定，需要根据本行政区域的实际情况作具体规定的事项；

(i) matters for which enactment of a local decree is required in order to implement a national law or administrative regulation in light of the actual situation of the jurisdiction;

(二)属于地方性事务需要制定地方性法规的事项。

(ii) matters which are local in nature and require the enactment of a local decree.

除本法第八条规定的事项外，其他事项国家尚未制定法律或者行政法规的，省、自治区、直辖市和较大的市根据本地方的具体情况和实际需要，可以先制定地方性法规。在国家制定的法律或者行政法规生效后，地方性法规同法律或者行政法规相抵触的规定无效，制定机关应当及时予以修改或者废止。

Except for matters enumerated in Article 8 hereof, in respect of any other matter for which the state has not enacted national law or administrative regulation, the People's Congress of a province, autonomous region, or municipality directly under the central government and the Standing Committee thereof may enact local decrees for the time being in light of its specific situations and actual needs. Where a national law or administrative regulation enacted by the state has come into force, any provision in the local decree which contravenes it shall be invalid, and the enacting body shall amend or repeal such provision on a timely basis.

第六十五条经济特区所在地的省、市的人民代表大会及其常务委员会根据全国人民代表大会的授权决定，制定法规，在经济特区范围内实施。

Article 65 The People's Congress of a province or city where a special economic zone is located and the its Standing Committee shall, pursuant to an enabling decision issued by the National People's Congress, enact decrees for implementation within the special economic zone.

第六十六条民族自治地方的人民代表大会有权依照当地民族的政治、经济和文化的特点，制定自治条例和单行条例。自治区的自治条例和单行条例，报全国人民代表大会常务委员会批准后生效。自治州、自治县的自治条例和单行条例，报省、自治区、直辖市的人民代表大会常务委员会批准后生效。

Article 66 The People's Congress of an autonomous ethnic area has the power to enact autonomous decree and special decree in light of its ethnic political, economic and cultural characteristics. An autonomous decree or special decree enacted by an autonomous region shall come into force after it is reviewed and approved by the Standing Committee of National People's Congress. An autonomous decree or special decree enacted by an autonomous

prefecture or autonomous county shall come into force after it is reviewed and approved by the Standing Committee of the People's Congress of the province, autonomous region, or municipality directly under the central government.

自治条例和单行条例可以依照当地民族的特点，对法律和行政法规的规定作出变通规定，但不得违背法律或者行政法规的基本原则，不得对宪法和民族区域自治法的规定以及其他有关法律、行政法规专门就民族自治地方所作的规定作出变通规定。

An autonomous decree or special decree may vary the provisions of a law or administrative regulation, provided that any such variance may not violate the basic principles thereof, and no variance is allowed in respect of any provision of the Constitution or the Law on Ethnic Area Autonomy and provisions of any other law or administrative regulations which are dedicated to matters concerning ethnic autonomous areas.

第六十七条规定本行政区域特别重大事项的地方性法规，应当由人民代表大会通过。

Article 67 Any local decree dealing with special major matters of the jurisdiction shall be passed by the People's Congress of the jurisdiction.

第六十八条地方性法规案、自治条例和单行条例案的提出、审议和表决程序，根据中华人民共和国地方各级人民代表大会和地方各级人民政府组织法，参照本法第二章第二节、第三节、第五节的规定，由本级人民代表大会规定。

Article 68 The procedure for introducing, deliberating and voting on a local decree bill, autonomous decree bill and special decree bill shall be formulated by the local People's Congress in accordance with the Local People's Congress and People's Government Organic Law of the People's Republic of China, as well as by reference to the provisions of Sections Two, Three and Five of Chapter Two hereof.

地方性法规草案由负责统一审议的机构提出审议结果的报告和草案修改稿。

The agency in charge of uniformly deliberating the draft of a local decree shall present a deliberation result report and the amended draft.

第六十九条省、自治区、直辖市的人民代表大会制定的地方性法规由大会主席团发布公告予以公布。

Article 69 A local decree enacted by the People's Congress of a province, autonomous region, or municipality directly under the central government shall be promulgated by the presidium of the current session by way of a public announcement.

省、自治区、直辖市的人民代表大会常务委员会制定的地方性法规由常务委员会发布公告予以公布。

A local decree enacted by the Standing Committee of the People's Congress of a province, autonomous region, or municipality directly under the central government shall be promulgated by the Standing Committee by way of a public announcement.

较大的市的人民代表大会及其常务委员会制定的地方性法规报经批准后，由较大的市的人民代表大会常务委员会发布公告予以公布。

Upon approval, a local decree enacted by the People's Congress of a major city and the Standing Committee thereof shall be promulgated by the Standing Committee of the People's Congress of such major city by way of a public announcement.

自治条例和单行条例报经批准后，分别由自治区、自治州、自治县的人民代表大会常务委员会发布公告予以公布。

Upon approval, an autonomous decree or special decree shall be promulgated by the Standing Committee of the People's Congress of such autonomous region, autonomous prefecture or autonomous county respectively by way of a public announcement.

第七十条地方性法规、自治区的自治条例和单行条例公布后，及时在本级人民代表大会常务委员会公报和在本行政区域范围内发行的报纸上刊登。

Article 70 Upon promulgation, a local decree, or an autonomous decree or special decree shall be published in the Bulletin of the Standing Committee of the People's Congress of the region and the newspapers circulated within such jurisdiction in a timely manner.

在常务委员会公报上刊登的地方性法规、自治条例和单行条例文本为标准文本。

The version of the local decree, or autonomous decree or special decree appearing on the Standing Committee Bulletin shall be the standard version.

第二节 规章

Section Two Administrative and Local Rules

第七十一条国务院各部、委员会、中国人民银行、审计署和具有行政管理职能的直属机构，可以根据法律和国务院的行政法规、决定、命令，在本部门的权限范围内，制定规章。

Article 71 The various ministries, commissions, the People's Bank of China, the Auditing Agency, and a body directly under the State Council exercising regulatory function, may enact administrative rules within the scope of its authority in accordance with national law, administrative regulations, as well as decisions and orders of the State Council.

部门规章规定的事项应当属于执行法律或者国务院的行政法规、决定、命令的事项。

A matter on which an administrative rule is enacted shall be a matter which is within the scope of implementing national law, administrative regulations, and decisions or orders issued by the State Council.

第七十二条涉及两个以上国务院部门职权范围的事项，应当提请国务院制定行政法规或者由国务院有关部门联合制定规章。

Article 72 If a matter falls within the scope of authority of two or more agencies under the State Council, the relevant agencies shall request the State Council to enact an administrative regulation or the relevant agencies under the State Council shall jointly enact an administrative rule.

第七十三条省、自治区、直辖市和较大的市的人民政府，可以根据法律、行政法规和本省、自治区、直辖市的地方性法规，制定规章。

Article 73 The People's Government of a province, autonomous region, municipality directly under the central government or a major city may enact local rules in accordance with national law, administrative regulations and local decrees of the province, autonomous region, or municipality directly under the central government.

地方政府规章可就下列事项作出规定：

A local rule may provide for the following:

(一)为执行法律、行政法规、地方性法规的规定需要制定规章的事项；

(i) matters for which enactment of local rules is required in order to implement a national law, administrative regulation or local decree;

(二)属于本行政区域的具体行政管理事项。

(ii) matters which are within the regulatory scope of the local jurisdiction.

第七十四条国务院部门规章和地方政府规章的制定程序，参照本法第三章的规定，由国务院规定。

Article 74 The procedures for enacting State Council administrative rules and local government rules shall be formulated by the State Council by reference to Chapter Three hereof.

第七十五条 部门规章应当经部务会议或者委员会会议决定。

Article 75 An administrative rule shall be decided upon by ministerial affairs meeting or commission affairs meeting.

地方政府规章应当经政府常务会议或者全体会议决定。

A local rule shall be decided upon by government regular affairs meeting or plenary meeting.

第七十六条 部门规章由部门首长签署命令予以公布。

Article 76 Administrative rules shall be promulgated by way of an order signed by the person in charge of the agency. Local rules shall be promulgated by way of an order signed by the provincial governor, the chairman of the autonomous region, or the mayor of the city.

地方政府规章由省长或者自治区主席或者市长签署命令予以公布。

Article 77 Upon signing and promulgation, administrative rules shall be published on the State Council Bulletin or agency bulletin and nationally circulated newspapers in a timely manner.

第七十七条部门规章签署公布后，及时在国务院公报或者部门公报和在全国范围内发行的报纸上刊登。

Upon signing and promulgation, local rules shall be published on the bulletin of the local People's Government and newspapers circulated in the local jurisdiction in a timely manner.

地方政府规章签署公布后，及时在本级人民政府公报和在本行政区域范围内发行的报纸上刊登。

The version of the administrative or local rules appearing on the State Council Bulletin or agency bulletin and the bulletin of the local People's Government shall be the standard version.

在国务院公报或者部门公报和地方人民政府公报上刊登的规章文本为标准文本。

Chapter Five: Scope of Application and Filing

第五章 适用与备案 第七十八条宪法具有最高的法律效力，一切法律、行政法规、地方性法规、自治条例和单行条例、规章都不得同宪法相抵触。

Article 78 The Constitution has the highest legal authority, and no national law, administrative regulation, local decree, autonomous decree and special decree, or administrative or local rule may contravene the Constitution.

第七十九条 法律的效力高于行政法规、地方性法规、规章。

Article 79 National law has higher legal authority than administrative regulations, local decrees and administrative or local rules.

行政法规的效力高于地方性法规、规章。

Administrative regulations has higher legal authority than local decrees and administrative or local rules.

第八十条 地方性法规的效力高于本级和下级地方政府规章。

Article 80 A local decree has higher legal authority than local rules issued by governments at the same level and lower level.

省、自治区的人民政府制定的规章的效力高于本行政区域内的较大的市的人民政府制定的规章。

Local rules enacted by the People's Government of a province or autonomous region have higher legal authority than local rules enacted by the People's Government of a major city located in its jurisdiction.

第八十一条自治条例和单行条例依法对法律、行政法规、地方性法规作变通规定的，在本自治地方适用自治条例和单行条例的规定。

Article 81 Where an autonomous decree or special decree varies the provision of national law, administrative regulations or local decrees, the provisions of the autonomous decree or special decree shall prevail in the said autonomous area.

经济特区法规根据授权对法律、行政法规、地方性法规作变通规定的，在本经济特区适用经济特区法规的规定。

Where a decree of a special economic zone varies the provision of national law, administrative regulations or local decrees pursuant to an enabling decision, the provisions of the decree of the special economic zone shall prevail in the said special economic zone.

第八十二条部门规章之间、部门规章与地方政府规章之间具有同等效力，在各自的权限范围内施行。

Article 82 Administrative rules and local rules have the same legal authority have the same legal authority and are implemented within their respective scope of authority.

第八十三条同一机关制定的法律、行政法规、地方性法规、自治条例和单行条例、规章，特别规定与一般规定不一致的，适用特别规定；新的规定与旧的规定不一致的，适用新的规定。

Article 83 In the case of national law, administrative regulations, local decrees, autonomous decrees and special decrees, and administrative or local rules enacted by the same body, if a special provision differs from a general provision, the special provision shall prevail; if a new provision differs from an old provision, the new provision shall prevail.

第八十四条法律、行政法规、地方性法规、自治条例和单行条例、规章不溯及既往，但为了更好地保护公民、法人和其他组织的权利和利益而作的特别规定除外。

Article 84 National law, administrative regulations, local decrees, autonomous decrees and special decrees, and administrative or local rules do not have retroactive force, except where a special provision is made in order to better protect the rights and interests of citizens, legal persons and other organizations.

第八十五条法律之间对同一事项的新的一般规定与旧的特别规定不一致，不能确定如何适用时，由全国人民代表大会常务委员会裁决。

Article 85 If there is a difference between a new general provision and an old special provision in respect of the same matter among two national laws, and the applicable provision can not be decided, a ruling shall be made by the Standing Committee of National People's Congress.

行政法规之间对同一事项的新的一般规定与旧的特别规定不一致，不能确定如何适用时，由国务院裁决。

If there is a difference between a new general provision and an old special provision in respect of the same matter among two administrative regulations, and the applicable provision can not be decided, a ruling shall be made by the State Council.

第八十六条地方性法规、规章之间不一致时，由有关机关依照下列规定的权限作出裁决：

Article 86 If there is a difference between local decrees and rules in respect of the same matter, a ruling shall be made by the relevant agency in accordance with the following provisions:

(一)同一机关制定的新的一般规定与旧的特别规定不一致时，由制定机关裁决；

(i) In the case of difference between the new general provision and an old special provision enacted by the same agency, the enacting agency shall make the ruling;

(二)地方性法规与部门规章之间对同一事项的规定不一致，不能确定如何适用时，由国务院提出意见，国务院认为应当适用地方性法规的，应当决定在该地方适用地方性法规的规定；认为应当适用部门规章的，应当提请全国人民代表大会常务委员会裁决；

(ii) In the case of difference between local decree and administrative rule in respect of the same matter, and applicable provision can not be decided, the State Council shall give its opinion, and where the State Council deems that the local decree should apply, then the local decree shall be applied in the local jurisdiction; where the State Council deems that the administrative rule should apply, it shall request the Standing Committee of National People's Congress to make a ruling;

(三)部门规章之间、部门规章与地方政府规章之间对同一事项的规定不一致时，由国务院裁决。

(ii) In the case of difference between administrative rules, or between local rules and administrative rules in respect of the same matter, and the applicable provision can not be decided, the State Council shall make a ruling;

根据授权制定的法规与法律规定不一致，不能确定如何适用时，由全国人民代表大会常务委员会裁决。

where there is a difference between administrative regulations enacted pursuant to an enabling and a national law and the applicable provision cannot be decided, the Standing Committee of National People's Congress shall make a ruling.

第八十七条法律、行政法规、地方性法规、自治条例和单行条例、规章有下列情形之一的，由有关机关依照本法第八十八条规定的权限予以改变或者撤销：

Article 87 If a national law, administrative regulation, local decree, autonomous decree and special decree, or administrative or local rule falls into any of the following categories, the relevant body shall amend or cancel it pursuant to the authority granted in Article 88 hereof:

(一)超越权限的；

(i) It exceeds the scope of its authority;

(二)下位法违反上位法规定的；

(ii) A lower level law contravenes a higher level law;

(三)规章之间对同一事项的规定不一致，经裁决应当改变或者撤销一方的规定的；

(iii) Different provisions exist in respect of the same matter among administrative or local rules, and pursuant to a ruling made by the relevant body, one of the provisions should be amended or canceled.

(四)规章的规定被认为不适当，应当予以改变或者撤销的；

(iv) The provision of an administrative or local rule is deemed inappropriate and should be amended or canceled;

(五)违背法定程序的。

(v) It violates legally prescribed procedure.

第八十八条改变或者撤销法律、行政法规、地方性法规、自治条例和单行条例、规章的权限是：

Article 88 The authorities for amending or canceling a national law, administrative regulation, local decree, autonomous decree or special decree, and administrative or local rule are as follows:

(一)全国人民代表大会有权改变或者撤销它的常务委员会制定的不适当的法律，有权撤销全国人民代表大会常务委员会批准的违背宪法和本法第六十六条第二款规定的自治条例和单行条例；

(i) The National People's Congress has the authority to amend or cancel any inappropriate national law enacted by its Standing Committee, and to cancel any autonomous decree or special decree approved by its Standing Committee in violation of the Constitution or the provision of Paragraph 2 of Article 66 hereof;

(二)全国人民代表大会常务委员会有权撤销同宪法和法律相抵触的行政法规，有权撤销同宪法、法律和行政法规相抵触的地方性法规，有权撤销省、自治区、直辖市的人民代表大会常务委员会批准的违背宪法和本法第六十六条第二款规定的自治条例和单行条例；

(ii) The Standing Committee of National People's Congress has the authority to cancel any administrative regulation which contravenes the Constitution or any national law, and to cancel any local decree which contravenes the Constitution or any national law or administrative regulation, and to or cancel any autonomous decree or special decree approved

by the Standing Committee of the People's Congress of any province, autonomous region, or municipality directly under the central government in violation of the Constitution or the provision of Paragraph 2 of Article 66 hereof;

(三)国务院有权改变或者撤销不适当的部门规章和地方政府规章;

(iii) The National People's Congress has the authority to amend or cancel any inappropriate administrative rule or local rule;

(四)省、自治区、直辖市的人民代表大会有权改变或者撤销它的常务委员会制定的和批准的不适当的地方性法规;

(iv) The People's Congress of a province, autonomous region, or municipality directly under the central government and the Standing Committee thereof has the authority to amend or cancel any inappropriate local decree enacted by its Standing Committee or any inappropriate local rule approved by its Standing Committee;

(五)地方人民代表大会常务委员会有权撤销本级人民政府制定的不适当的规章;

(v) The Standing Committee of a local People's Congress has the authority to cancel any inappropriate rule enacted by the local government;

(六)省、自治区的人民政府有权改变或者撤销下一级人民政府制定的不适当的规章;

(vi) The People's Government of a province, autonomous region, or municipality directly under the central government has the authority to amend or cancel any inappropriate local rule enacted by a lower level People's Government;

(七)授权机关有权撤销被授权机关制定的超越授权范围或者违背授权目的的法规,必要时可以撤销授权。

(vii) The enabling body has the authority to cancel the administrative regulation or local decree which has been enacted by the enabled organ acting beyond its scope of authority or in violation of the objective of the enabling decision, and where necessary, the enabling body may revoke the authorization.

第八十九条行政法规、地方性法规、自治条例和单行条例、规章应当在公布后的三十日内依照下列规定报有关机关备案:

Article 89 Within 30 days of its promulgation, an administrative regulation, local decree, autonomous decree or special decree, or any administrative or local rule shall be submitted to the relevant body for filing in accordance with the following provisions:

(一)行政法规报全国人民代表大会常务委员会备案;

(i) An administrative regulation shall be submitted to the Standing Committee of National People's Congress for filing;

(二)省、自治区、直辖市的人民代表大会及其常务委员会制定的地方性法规，报全国人民代表大会常务委员会和国务院备案；较大的市的人民代表大会及其常务委员会制定的地方性法规，由省、自治区的人民代表大会常务委员会报全国人民代表大会常务委员会和国务院备案；

(ii) A local decree enacted by the People's Congress of a province, autonomous region, or municipality directly under the central government and the Standing Committee thereof shall be submitted to the Standing Committee of National People's Congress and the State Council for filing; a local decree enacted by the People's Congress of a major city and the Standing Committee thereof shall be submitted to the Standing Committee of National People's Congress and the State Council for filing through the Standing Committee of the People's Congress of the province or autonomous region in which the city is located;

(三)自治州、自治县制定的自治条例和单行条例，由省、自治区、直辖市的人民代表大会常务委员会报全国人民代表大会常务委员会和国务院备案；

(iii) An autonomous or special decree enacted by an autonomous prefecture or autonomous county shall be submitted to the Standing Committee of National People's Congress and the State Council for filing through the Standing Committee of the People's Congress of the province or autonomous region in which the prefecture or county is located;

(四)部门规章和地方政府规章报国务院备案；地方政府规章应当同时报本级人民代表大会常务委员会备案；

(iv) An administrative or local rule shall be submitted to the State Council for filing; a local rule shall be concurrently submitted to the Standing Committee of the local People's Congress for filing;

较大的市的人民政府制定的规章应当同时报省、自治区的人民代表大会常务委员会和人民政府备案；

local rules enacted by a major city shall also be concurrently submitted to the Standing Committee of the People's Congress and the People's Government of the province or autonomous region for filing;

(五)根据授权制定的法规应当报授权决定规定的机关备案。

(v) An administrative regulation or local decree enacted pursuant to an enabling decision shall be submitted to the body specified therein for filing.

第九十条国务院、中央军事委员会、最高人民法院、最高人民检察院和各省、自治区、直辖市的人民代表大会常务委员会认为行政法规、地方性法规、自治条例和单行条例同宪法或者法律相抵触的，可以向全国人民代表大会常务委员会书面提出进行审查的要求，由常务委员会工作机构分送有关的专门委员会进行审查、提出意见。

Article 90 Where the State Council, the Central Military Committee, the Supreme People's Court, the Supreme People's Procuratorate, the various special committees of the Standing Committee and the Standing Committee of the People's Congress of various provinces,

autonomous regions and municipalities directly under the central government deems that an administrative regulation, local decree, autonomous decree or special decree contravenes the Constitution or a national law, it may make a written request to the Standing Committee of National People's Congress for review, and the office of operation of the Standing Committee shall distribute such request to the relevant special committees for review and comments.

前款规定以外的其他国家机关和社会团体、企业事业组织以及公民认为行政法规、地方性法规、自治条例和单行条例同宪法或者法律相抵触的，可以向全国人民代表大会常务委员会书面提出进行审查的建议，由常务委员会工作机构进行研究，必要时，送有关的专门委员会进行审查、提出意见。

Where any state organ and social group, enterprise or non-enterprise institution or citizen other than the bodies enumerated above, deems that an administrative regulation, local decree, autonomous decree or special decree contravenes the Constitution or a national law, it may make a written proposal to the Standing Committee of National People's Congress for review, and the office of operation of the Standing Committee shall study such proposal, and where necessary, it shall distribute such proposal to the relevant special committees for review and comments.

第九十一条全国人民代表大会专门委员会在审查中认为行政法规、地方性法规、自治条例和单行条例同宪法或者法律相抵触的，可以向制定机关提出书面审查意见；也可以由法律委员会与有关的专门委员会召开联合审查会议，要求制定机关到会说明情况，再向制定机关提出书面审查意见。

Article 91 Where a special committee of the National People's Congress deems that an administrative regulation, local decree, autonomous decree and special decree contravenes the Constitution or a national law during its review thereof, it may present a written review comment to the enacting body; and a joint review session may also be convened between the Legislative Committee and the relevant special committee, and the enacting body shall be summoned to the session to give explanation, and thereafter a subsequent written review comment shall be sent to the enacting body.

制定机关应当在两个月内研究提出是否修改的意见，并向全国人民代表大会法律委员会和有关的专门委员会反馈。

The enacting body shall conduct deliberation and present its opinion on whether an amendment shall be made, and shall report back to the Legislative Committee and the relevant special committee.

全国人民代表大会法律委员会和有关的专门委员会审查认为行政法规、地方性法规、自治条例和单行条例同宪法或者法律相抵触而制定机关不予修改的，可以向委员长会议提出书面审查意见和予以撤销的议案，由委员长会议决定是否提请常务委员会会议审议决定。

Where a special committee of the National People's Congress deems that an administrative regulation, local decree, autonomous decree or special decree contravenes the Constitution or a national law during its review thereof and the enacting body refuses to make any amendment, it may submit to the Chairman's Committee a written review comment and a bill for its

cancellation, and the Chairman's Committee shall decide whether to bring it to the Standing Committee session for deliberation and decision.

第九十二条其他接受备案的机关对报送备案的地方性法规、自治条例和单行条例、规章的审查程序，按照维护法制统一的原则，由接受备案的机关规定。

Article 92 In respect of the local decrees, autonomous decrees or special decrees, and administrative or local rules which are submitted to other bodies for filing, the body receiving them shall formulate the relevant review procedures consistent with the principle of safeguarding uniformity of law.

第六章 附则 Chapter Six: Supplementary Provisions

第九十三条中央军事委员会根据宪法和法律，制定军事法规。

Article 93 The Central Military Commission shall enact military decrees in accordance with the Constitution and national laws.

中央军事委员会各总部、军兵种、军区，可以根据法律和中央军事委员会的军事法规、决定、命令，在其权限范围内，制定军事规章。

The various headquarters, divisions, military regions of the Central Military Commission may enact military rules consistent with its scope of authority in accordance with the relevant national laws and military decrees, decisions and orders.

军事法规、军事规章在武装力量内部实施。

Military decrees and military rules shall be implemented within the armed forces.

军事法规、军事规章的制定、修改和废止办法，由中央军事委员会依照本法规定的原则规定。

The measures for the enactment, amendment or repeal of military decrees and military rules shall be enacted by the Central Military Committee based on the principles set forth herein.

第九十四条 本法自 2000 年 7 月 1 日起施行。

Article 94 This Law shall become operative as of July 1, 2000.

La Constitution de Taiwan

The National Assembly of the Republic of China, by virtue of the mandate received from the whole body of citizens, in accordance with the teachings bequeathed by Dr. Sun Yat-sen in founding the Republic of China, and in order to consolidate the authority of the State, safeguard the rights of the people, ensure social tranquility, and promote the welfare of the people, does hereby establish this Constitution, to be promulgated throughout the country for faithful and perpetual observance by all.

Chapter I. General Provisions

- Article 1. The Republic of China, founded on the Three Principles of the People, shall be a democratic republic of the people, to be governed by the people and for the people.
- Article 2. The sovereignty of the Republic of China shall reside in the whole body of citizens.
- Article 3. Persons possessing the nationality of the Republic of China shall be citizens of the Republic of China.
- Article 4. The territory of the Republic of China according to its existing national boundaries shall not be altered except by resolution of the National Assembly.
- Article 5. There shall be equality among the various racial groups in the Republic of China.
- Article 6. The national flag of the Republic of China shall be of red ground with a blue sky and a white sun in the upper left corner.

Chapter II. Rights and Duties of the People

- Article 7. All citizens of the Republic of China, irrespective of sex, religion, race, class, or party affiliation, shall be equal before the law.
Personal freedom shall be guaranteed to the people. Except in case of flagrante delicto as provided by law, no person shall be arrested or detained otherwise than by a judicial or a police organ in accordance with the procedure prescribed by law. No person shall be tried or punished otherwise than by a law court in accordance with the procedure prescribed by law. Any arrest, detention, trial, or punishment which is not in accordance with the procedure prescribed by law may be resisted.
- Article 8. When a person is arrested or detained on suspicion of having committed a crime, the organ making the arrest or detention shall in writing inform the said person, and his designated relative or friend, of the grounds for his arrest or detention, and shall, within 24 hours, turn him over to a competent court for trial. The said person, or any other person, may petition the competent court that a writ be served within 24 hours on the organ making the arrest for the surrender of the said person for trial. The court shall not reject the petition mentioned in the preceding paragraph, nor shall it order the organ concerned to make an investigation and report first. The organ concerned shall not refuse to execute, or delay in executing, the writ of the

court for the surrender of the said person for trial. When a person is unlawfully arrested or detained by any organ, he or any other person may petition the court for an investigation. The court shall not reject such a petition, and shall, within 24 hours, investigate the action of the organ concerned and deal with the matter in accordance with law.

- Article 9. Except those in active military service, no person shall be subject to trial by a military tribunal.
- Article 10. The people shall have freedom of residence and of change of residence.
- Article 11. The people shall have freedom of speech, teaching, writing and publication.
- Article 12. The people shall have freedom of privacy of correspondence.
- Article 13. The people shall have freedom of religious belief.
- Article 14. The people shall have freedom of assembly and association.
- Article 15. The right of existence, the right of work, and the right of property shall be guaranteed to the people.
- Article 16. The people shall have the right of presenting petitions, lodging complaints, or instituting legal proceedings.
- Article 17. The people shall have the right of election, recall, initiative and referendum.
- Article 18. The people shall have the right of taking public examinations and of holding public offices.
- Article 19. The people shall have the duty of paying taxes in accordance with law.
- Article 20. The people shall have the duty of performing military service in accordance with law.
- Article 21. The people shall have the right and the duty of receiving citizens' education.
- Article 22. All other freedoms and rights of the people that are not detrimental to social order or public welfare shall be guaranteed under the Constitution.
- Article 23. All the freedoms and rights enumerated in the preceding Articles shall not be restricted by law except by such as may be necessary to prevent infringement upon the freedoms of other persons, to avert an imminent crisis, to maintain social order or to advance public welfare.
- Article 24. Any public functionary who, in violation of law, infringes upon the freedom or right of any person shall, in addition to being subject to disciplinary measures in accordance with law, be held responsible under criminal and civil laws. The injured person may, in accordance with law, claim compensation from the State for damage sustained.

Chapter III. The National Assembly

- Article 25. The National Assembly shall, in accordance with the provisions of this Constitution, exercise political powers on behalf of the whole body of citizens.
- The National Assembly shall be composed of the following delegates:
1. One delegate shall be elected from each hsien, municipality, or area of equiv status. In case its population exceeds 500,000, one additional delegate shall be elected for each additional 500,000. Areas equivalent to hsien or municipalities shall be prescribed by law;
 2. Delegates to represent Mongolia shall be elected on the basis of four for each league and one for each special banner;
- Article 26.

3. The number of delegates to be elected from Tibet shall be prescribed by law;
4. The number of delegates to be elected by various racial groups in frontier regions shall be prescribed by law;
5. The number of delegates to be elected by Chinese citizens residing abroad shall be prescribed by law;
6. The number of delegates to be elected by occupational groups shall be prescribed by law; and
7. The number of delegates to be elected by women's organizations shall be prescribed by law.

The function of the National Assembly shall be as follows:

- Article 27.
1. To elect the President and the Vice President;
 2. To recall the President and the Vice President;
 3. To amend the Constitution; and
 4. To vote on proposed Constitutional amendments submitted by the Legislative Yuan by way of referendum.

With respect to the rights of initiative and referendum, except as is provided in Items 3 and 4 of the preceding paragraph, the National Assembly shall make regulations pertaining thereto and put them into effect, after the above-mentioned two political rights shall have been exercised in one-half of the hsien and municipalities of the whole country.

- Article 28.
- Delegates to the National Assembly shall be elected every six years. The term of office of the delegates to each National Assembly shall terminate on the day on which the next National Assembly convenes. No incumbent government official shall, in the electoral area where he holds office, be elected delegate to the National Assembly.

- Article 29.
- The National Assembly shall be convoked by the President to meet 90 days prior to the date of expiration of each presidential term. An extraordinary session of the National Assembly shall be convoked in any of the following circumstances:

- Article 30.
1. When, in accordance with the provisions of Article 49 of this Constitution, a President and a new Vice President are to be elected;
 2. When, by resolution of the Control Yuan, an impeachment of the President or the President is instituted;
 3. When, by resolution of the Legislative Yuan, an amendment to the Constitution is proposed; and
 4. When a meeting is requested by not less than two-fifths of the delegates to the National Assembly.

When an extraordinary session is to be convoked in accordance with Item 1 or Item 2 of the preceding paragraph, the President of the Legislative Yuan shall issue the notice of convocation; when it is to be convoked in accordance with Item 3 or Item 4, it shall be convoked by the President of the Republic.

- Article 31.
- The National Assembly shall meet at the seat of the Central Government.

- Article 32.
- No delegate to the National Assembly shall be held responsible outside the Assembly for opinions expressed or votes cast at meetings of the Assembly.

- Article
- While the Assembly is in session, no delegate to the National Assembly shall, except

33. in case of flagrante delicto, be arrested or detained without the permission of the National Assembly.
- Article 34. The organization of the National Assembly, the election and recall of delegates to the National Assembly, and the procedure whereby the National Assembly is to carry out its functions, shall be prescribed by law.

Chapter IV. The President

- Article 35. The President shall be the head of the State and shall represent the Republic of China in foreign relations.
- Article 36. The President shall have supreme command of the land, sea and air forces of the whole country.
- Article 37. The President shall, in accordance with law, promulgate laws and issue mandates with the counter-signature of the President of the Executive Yuan or with the counter-signatures of both the President of the Executive Yuan and the Ministers or Chairmen of Commissions concerned.
- Article 38. The President shall, in accordance with the provisions of this Constitution, exercise the powers of concluding treaties, declaring war and making peace.
- Article 39. The President may, in accordance with law, declare martial law with the approval of, or subject to confirmation by, the Legislative Yuan. When the Legislative Yuan deems it necessary, it may by resolution request the President to terminate martial law.
- Article 40. The President shall, in accordance with law, exercise the power of granting amnesties, pardons, remission of sentences and restitution of civil rights.
- Article 41. The President shall, in accordance with law, appoint and remove civil and military officials.
- Article 42. The President may, in accordance with law, confer honors and decorations.
- Article 43. In case of a natural calamity, an epidemic, or a national financial or economic crisis that calls for emergency measures, the President, during the recess of the Legislative Yuan, may, by resolution of the Executive Yuan Council, and in accordance with the Law on Emergency Decrees, issue emergency decrees, proclaiming such measures as may be necessary to cope with the situation. Such decrees shall, within one month after issuance, be presented to the Legislative Yuan for confirmation; in case the Legislative Yuan withholds confirmation, the said decrees shall forthwith cease to be valid.
- Article 44. In case of disputes between two or more Yuan other than those concerning which there are relevant provisions in this Constitution, the President may call a meeting of the Presidents of the Yuan concerned for consultation with a view to reaching a solution.
- Article 45. Any citizen of the Republic of China who has attained the age of 40 years may be elected President or Vice President.
- Article 46. The election of the President and the Vice President shall be prescribed by law.
- Article 47. The President and the Vice President shall serve a term of six years. They may be re-elected for a second term.
- Article . The President shall, at the time of assuming office, take the following oath:

48. “I do solemnly and sincerely swear before the people of the whole country that I will observe the Constitution, faithfully perform my duties, promote the welfare of the people, safeguard the security of the State, and will in no way betray the people’s trust. Should I break my oath, I shall be willing to submit myself to severe punishment by the State. This is my solemn oath.”
- In case the office of the President should become vacant, the Vice President shall succeed until the expiration of the original presidential term. In case the office of both the President and the Vice President should become vacant, the President of the Executive Yuan shall act for the President; and, in accordance with the provisions of Article 30 of this Constitution, an extraordinary session of the National Assembly shall be convoked for the election of a new President and a new Vice President, who shall hold office until the completion of the term left unfinished by the preceding President. In case the President should be unable to attend to office due to any cause, the Vice President shall act for the President. In case both the President and Vice President should be unable to attend to office, the President of the Executive Yuan shall act for the President.
- Article 49.
- The President shall be relieved of his functions on the day on which his term of office expires. If by that time the succeeding President has not yet been elected, or if the President-elect and the Vice-President-elect have not yet assumed office, the President of the Executive Yuan shall act for the President.
- Article 50.
- The period during which the President of the Executive Yuan may act for the President shall not exceed three months.
- Article 51.
- The President shall not, without having been recalled, or having been relieved of his functions, be liable to criminal prosecution unless he is charged with having committed an act of rebellion or treason.
- Article 52.

Chapter V. Administration

- Article 53. The Executive Yuan shall be the highest administrative organ of the State.
- Article 54. The Executive Yuan shall have a President, a Vice President, a certain number of Ministers and Chairmen of Commissions, and a certain number of Ministers without Portfolio.
- The President of the Executive Yuan shall be nominated and, with the consent of the Legislative Yuan, appointed by the President of the Republic. If, during the recess of the Legislative Yuan, the President of the Executive Yuan should resign or if his office should become vacant, his functions shall be exercised by the Vice President of the Yuan, acting on his behalf, but the President of the Republic shall, within 40 days, request a meeting of the Legislative Yuan to confirm his nominee for the vacancy. Pending such confirmation, the Vice President of the Executive Yuan shall temporarily exercise the functions of the President of the said Yuan.
- Article 55.
- The Vice President of the Executive Yuan, Ministers and Chairmen of Commissions, and Ministers without Portfolio shall be appointed by the President of the Republic upon the recommendation of the President of the Executive Yuan.
- Article 56.
- The Executive Yuan shall be responsible to the Legislative Yuan in accordance with
- Article 57.

the following provisions:

1. The Executive Yuan has the duty to present to the Legislative Yuan a statement of administrative policies and a report on its administration. While the Legislative Yuan is in session, Members of the Legislative Yuan shall have the right to question the President and the Ministers and Chairmen of Commissions of the Executive Yuan.
2. If the Legislative Yuan does not concur in any important policy of the Executive Yuan, it may, by resolution, request the Executive Yuan to alter such a policy. With respect to such resolution, the Executive Yuan may, with the approval of the President of the Republic, put a request to the Legislative Yuan for reconsideration. If, after reconsideration, two-thirds of the Members of the Legislative Yuan present at a meeting uphold the original resolution, the President of the Executive Yuan shall either abide by the same or resign from office.
3. If the Executive Yuan deems a resolution on a statutory, budgetary, or treaty bill passed by the Legislative Yuan difficult of execution, it may, with the approval of the President of the Republic and within ten days after its transmission to the Executive Yuan, request the Legislative Yuan to reconsider the said resolution. If after reconsideration, two-thirds of the Members of the Legislative Yuan present at the meeting uphold the original resolution, the President of the Executive Yuan shall either abide by the same or resign from office.

- The Executive Yuan shall have an Executive Yuan Council, to be composed of its President, Vice President, various Ministers and Chairmen of Commissions, and Ministers without Portfolio, with its President as Chairman. Statutory or budgetary bills or bills concerning martial law, amnesty, declaration of war, conclusion of peace or treaties, and other important affairs, all of which are to be submitted to the Legislative Yuan, as well as matters that are of common concern to the various Ministries and Commissions, shall be presented by the President and various Ministers and Chairmen of Commissions of the Executive Yuan to the Executive Yuan Council for decision.
- Article 58. The Executive Yuan shall, three months before the beginning of each fiscal year, present to the Legislative Yuan the budgetary bill for the following fiscal year.
- Article 59. The Executive Yuan shall, within four months after the end of each fiscal year, present final accounts of revenues and expenditures to the Control Yuan.
- Article 60.
- Article 61. The organization of the Executive Yuan shall be prescribed by law.

Chapter VI. Legislation

- Article 62. The Legislative Yuan shall be the highest legislative organ of the State, to be constituted of members elected by the people. It shall exercise legislative power on behalf of the people.
- Article 63. The Legislative Yuan shall have the power to decide by resolution upon statutory or budgetary bills or bills concerning martial law, amnesty, declaration of war, conclusion of peace or treaties, and other important affairs of the State.
- Article 64. Members of the Legislative Yuan shall be elected in accordance with the following provisions:

1. Those to be elected from the provinces and by the municipalities under the direct jurisdiction of the Executive Yuan shall be five for each province or municipality with a population of not more than 3,000,000, one additional member shall be elected for each additional 1,000,000 in a province or municipality whose population is over 3,000,000;
2. Those to be elected from Mongolian Leagues and Banners;
3. Those to be elected from Tibet;
4. Those to be elected by various racial groups in frontier regions;
5. Those to be elected by Chinese citizens residing abroad; and
6. Those to be elected by occupational groups.

The election of Members of the Legislative Yuan and the number of those to be elected in accordance with Items 2 to 6 of the preceding paragraph shall be prescribed by law. The number of women to be elected under the various items enumerated in the first paragraph shall be prescribed by law.

Article 65. Members of the Legislative Yuan shall serve a term of three years, and shall be re-eligible. The election of Members of the Legislative Yuan shall be completed within three months prior to the expiration of each term.

Article 66. The Legislative Yuan shall have a President and a Vice President, who shall be elected by and from among its Members.

Article 67. The Legislative Yuan may set up various committees. Such committees may invite government officials and private persons concerned to be present at their meetings to answer questions.

Article 68. The Legislative Yuan shall hold two sessions each year, and shall convene of its own accord. The first session shall last from February to the end of May, and the second session from September to the end of December. Whenever necessary, a session may be prolonged.

In any of the following circumstances, the Legislative Yuan may hold an extraordinary session:

- Article 69.
1. At the request of the President of the Republic;
 2. Upon the request of not less than one-fourth of its Members.

Article 70. The Legislative Yuan shall not make proposals for an increase in the expenditures in the budgetary bill presented by the Executive Yuan.

Article 71. At the meetings of the Legislative Yuan, the Presidents of the various Yuan concerned and the various Ministers and Chairmen of Commissions concerned may be present to give their views.

Article 72. Statutory bills passed by the Legislative Yuan shall be transmitted to the President of the Republic and to the Executive Yuan. The President shall, within ten days after receipt thereof, promulgate them; or he may deal with them in accordance with the provisions of Article 57 of this Constitution.

Article 73. No Member of the Legislative Yuan shall be held responsible outside the Yuan for opinions expressed or votes cast in the Yuan.

Article 74. No Member of the Legislative Yuan shall, except in case of flagrante delicto, be arrested or detained without the permission of the Legislative Yuan.

Article 75. No Member of the Legislative Yuan shall concurrently hold a government post.

Article 76. The organization of the Legislative Yuan shall be prescribed by law.

Chapter VII. Judiciary

- Article 77. The Judicial Yuan shall be the highest judicial organ of the State and shall have charge of civil, criminal, and administrative cases, and over cases concerning disciplinary measures against public functionaries.
- Article 78. The Judicial Yuan shall interpret the Constitution and shall have the power to unify the interpretation of laws and orders.
- Article 79. The Judicial Yuan shall have a President and a Vice President, who shall be nominated and, with the consent of the Control Yuan, appointed by the President of the Republic.
- Article 80. The Judicial Yuan shall have a certain number of Grand Justices to take charge of matters specified in Article 78 of this Constitution, who shall be nominated and, with the consent of the Control Yuan, appointed by the President of the Republic.
- Article 81. Judges shall be above partisanship and shall, in accordance with law, hold trials independently, free from any interference.
- Article 82. Judges shall hold office for life. No judge shall be removed from office unless he has been found guilty of a criminal offense or subjected to disciplinary measure, or declared to be under interdiction. No judge shall, except in accordance with law, be suspended or transferred or have his salary reduced.
- Article 83. The organization of the Judicial Yuan and of the law courts of various grades shall be prescribed by law.

Chapter VIII. Examination

- Article 83. The Examination Yuan shall be the highest examination organ of the State and shall have charge of matters relating to examination, employment, registration, service rating, scale of salaries, promotion and transfer, security of tenure, commendation, pecuniary aid in case of death, retirement and old age pension.
- Article 84. The Examination Yuan shall have a President and a Vice President and a certain number of Members, all of whom shall be nominated and, with the consent of the Control Yuan, appointed by the President of the Republic.
- Article 85. In the selection of public functionaries, a system of open competitive examination shall be put into operation, and examinations shall be held in different areas, with prescribed numbers of persons to be selected according to various provinces and areas. No person shall be appointed to a public office unless he is qualified through examination.
- Article 86. The following qualifications shall be determined and registered through examination by the Examination Yuan in accordance with law:
1. Qualification for appointment as public functionaries; and
 2. Qualification for practice in specialized professions or as technicians.
- Article 87. The Examination Yuan may, with respect to matters under its charge, present statutory bills to the Legislative Yuan.
- Article 88. Members of the Examination Yuan shall be above partisanship and shall independently exercise their functions in accordance with law.

- Article 89. The organization of the Examination Yuan shall be prescribed by law.

Chapter IX. Control

- Article 90. The Control Yuan shall be the highest control organ of the State and shall exercise the powers of consent, impeachment, censure and auditing.
The Control Yuan shall be composed of Members who shall be elected by Provincial and Municipal Councils, the local Councils of Mongolia and Tibet, and Chinese citizens residing abroad. Their numbers shall be determined in accordance with the following provisions:
- Article 91. 1. Five Members from each province;
2. Two Members from each municipality under the direct jurisdiction of the Executive Yuan;
3. Eight Members from Mongolian Leagues and Banners;
4. Eight Members from Tibet; and
5. Eight Members from Chinese citizens residing abroad.
- Article 92. The Control Yuan shall have a President and a Vice President, who shall be elected by and from among its Members.
- Article 93. Members of the Control Yuan shall serve a term of six years and shall be re-eligible.
- Article 94. When the Control Yuan exercises the power of consent in accordance with this Constitution, it shall do so by resolution of a majority of the Members present at the meeting.
- Article 95. The Control Yuan may, in the exercise of its powers of control, request the Executive Yuan and its Ministries and Commissions to submit to it for perusal the original orders issued by them and all other relevant documents.
- Article 96. The Control Yuan may, taking into account the work of the Executive Yuan and its various Ministries and Commissions, set up a certain number of committees to investigate their activities with a view to ascertaining whether or not they are guilty of violation of law or neglect of duty.
- Article 97. The Control Yuan may, on the basis of the investigations and resolutions of its committees, propose corrective measures and forward them to the Executive Yuan and the Ministries and Commissions concerned, directing their attention to effecting improvements.
- Article 98. When the Control Yuan deems a public functionary in the Central Government or in a local government guilty of neglect of duty or violation of law, it may propose corrective measures or institute an impeachment. If it involves a criminal offense, the case shall be turned over to a law court.
- Article 99. Impeachment by the Control Yuan of a public functionary in the Central Government or in a local government shall be instituted upon the proposal of one or more than one Member of the Control Yuan and the decision, after due consideration, by a committee composed of not less than nine Members.
- Article 99. In case of impeachment by the Control Yuan of the personnel of the Judicial Yuan or of the Examination Yuan for neglect of duty or violation of law, the provisions of Articles 95, 97 and 98 of this Constitution shall be applicable.

- Article 100. Impeachment by the Control Yuan of the President or the Vice President of the Republic shall be instituted upon the proposal of not less than one-fourth of the whole body of Members of the Control Yuan, and the resolution, after due consideration, by the majority of the whole body of Members of the Control Yuan, and the same shall be presented to the National Assembly.
- Article 101. No Member of the Control Yuan shall be held responsible outside the Yuan for opinions expressed or votes cast in the Yuan.
- Article 102. No Member of the Control Yuan shall, except in case of flagrante delicto, be arrested or detained without the permission of the Control Yuan.
- Article 103. No Member of the Control Yuan shall concurrently hold a public office or engage in any profession.
- Article 104. In the Control Yuan, there shall be an Auditor General who shall be nominated and, with the consent of the Legislative Yuan, appointed by the President of the Republic.
- Article 105. The Auditor General shall, within three months after presentation by the Executive Yuan of the final accounts of revenues and expenditures, complete the auditing thereof in accordance with law, and submit an auditing report to the Legislative Yuan.
- Article 106. The organization of the Control Yuan shall be prescribed by law.

Chapter X. Powers of the Central and Local Governments

In the following matters, the Central Government shall have the power of legislation and administration:

1. Foreign affairs;
 2. National defense and military affairs concerning national defense;
 3. Nationality law and criminal, civil and commercial law;
 4. Judicial system;
 5. Aviation, national highways, state-owned railways, navigation, postal and telegraph service;
 6. Central Government finance and national revenues;
 7. Demarcation of national, provincial and hsien revenues;
 8. State-operated economic enterprises;
 9. Currency system and state banks;
 10. Weights and measures;
 11. Foreign trade policies;
 12. Financial and economic matters affecting foreigners or foreign countries; and
 13. Other matters relating to the Central Government as provided by this Constitution.
- Article 107. In the following matters, the Central Government shall have the power of legislation and administration, but the Central Government may delegate the power of administration to the provincial and hsien governments:
- Article 108.

1. General principles of provincial and hsien self-government;
2. Division of administrative areas;
3. Forestry, industry, mining and commerce;
4. Educational system;
5. Banking and exchange system;
6. Shipping and deep-sea fishery;
7. Public utilities;
8. Cooperative enterprises;
9. Water and land communication and transportation covering two or more provinces;
10. Water conservancy, waterways, agriculture and pastoral enterprises covering two or more provinces;
11. Registration, employment, supervision, and security of tenure of officials in Central and local governments;
12. Land legislation;
13. Labor legislation and other social legislation;
14. Eminent domain;
15. Census-taking and compilation of population statistics for the whole country;
16. Immigration and land reclamation;
17. Police system;
18. Public health;
19. Relief, pecuniary aid in case of death and aid in case of unemployment; and
20. Preservation of ancient books and articles and sites of cultural value.

With respect to the various items enumerated in the preceding paragraph, the provinces may enact separate rules and regulations, provided these are not in conflict with national laws.

In the following matters, the provinces shall have the power of legislation and administration, but the provinces may delegate the power of administration to the hsien;

1. Provincial education, public health, industries and communications;
2. Management and disposal of provincial property;
3. Administration of municipalities under provincial jurisdiction;
4. Province-operated enterprises;
5. Provincial cooperative enterprises;
6. Provincial agriculture, forestry, water conservancy, fishery, animal husbandry public works;
7. Provincial finance and revenues;
8. Provincial debts;
9. Provincial banks;
10. Provincial police administration;
11. Provincial charitable and public welfare works; and
12. Other matters delegated to the provinces in accordance with national laws.

Article
109.

Except as otherwise provided by law, any of the matters enumerated in the various

items of the preceding paragraph, in so far as it covers two or more provinces, may be undertaken jointly by the provinces concerned. When any province, in undertaking matters listed in any of the items of the first paragraph, finds its funds insufficient, it may, by resolution of the Legislative Yuan, obtain subsidies from the National Treasury.

In the following matters, the hsien shall have the power of legislation and administration:

- Article 110.
1. Hsien education, public health, industries and communications;
 2. Management and disposal of hsien property;
 3. Hsien-operated enterprises;
 4. Hsien cooperative enterprises;
 5. Hsien agriculture and forestry, water conservancy, fishery, animal husbandry public works;
 6. Hsien finance and revenues;
 7. Hsien debts;
 8. Hsien banks;
 9. Administration of hsien police and defense;
 10. Hsien charitable and public welfare works; and
 11. Other matters delegated to the hsien in accordance with national laws and provincial Self-Government Regulations.

Except as otherwise provided by law, any of the matters enumerated in the various items of the preceding paragraph, in so far as it covers two or more hsien, may be undertaken jointly by the hsien concerned.

- Article 111.
- Any matter not enumerated in Articles 107, 108, 109 and 110 shall fall within the jurisdiction of the Central Government, if it is national in nature; of the province, if it is provincial in nature; and of the hsien, if it concerns the hsien. In case of dispute, it shall be settled by the Legislative Yuan.

Chapter XI. System of Local Government

Section 1. The Province

- Article 112.
- A province may convoke a provincial assembly to enact, in accordance with the General Principles of Provincial and Hsien Self-Government, regulations, provided the said regulations are not in conflict with the Constitution. The organization of the provincial assembly and the election of the delegates shall be prescribed by law.

The Provincial Self-Government Regulations shall include the following provisions:

- Article 113.
1. In the province, there shall be a provincial council. Members of the provincial council shall be elected by the people of the province.
 2. In the province, there shall be a provincial government with a provincial governor who shall be elected by the people of the province.

3. Relationship between the province and the hsien. The legislative power of the province shall be exercised by the Provincial Council.

Article 114. The Provincial Self-Government Regulations shall, after enactment, be forthwith submitted to the Judicial Yuan. The Judicial Yuan, if it deems any part thereof unconstitutional, shall declare null and void the articles repugnant to the Constitution.

Article 115. If, during the enforcement of the Provincial Self-Government Regulations, there should arise any serious obstacle in the application of any of the articles contained therein, the Judicial Yuan shall first summon the various parties concerned to present their views; and thereupon the Presidents of the Executive Yuan, Legislative Yuan, Judicial Yuan, Examination Yuan and Control Yuan shall form a Committee, with the President of the Judicial Yuan as Chairman, to propose a formula for solution.

Article 116. Provincial rules and regulations that are in conflict with national laws shall be null and void.

Article 117. When doubt arises as to whether or not there is a conflict between provincial rules or regulations and national laws, interpretation thereon shall be made by the Judicial Yuan.

Article 118. The self-government of municipalities under the direct jurisdiction of the Executive Yuan shall be prescribed by law.

Article 119. The local self-government system of the Mongolian Leagues and Banners shall be prescribed by law.

Article 120. The self-government system of Tibet shall be safeguarded.

Section 2. The Hsien

Article 121. The hsien shall enforce hsien self-government.

Article 122. A hsien may convoke a hsien assembly to enact, in accordance with the General Principles of Provincial and Hsien Self-Government, hsien self-government regulations, provided the said regulations are not in conflict with the Constitution or with provincial self-government regulations.

Article 123. The people of the hsien shall, in accordance with law, exercise the rights of initiative and referendum in matters within the sphere of hsien self-government, and shall, in accordance with law, exercise the rights of election and recall of the magistrate and other hsien self-government officials.

Article 124. In the hsien, there shall be a hsien council. Members of the hsien council shall be elected by the people of the hsien. The legislative power of the hsien shall be exercised by the hsien council.

Article 125. Hsien rules and regulations that are in conflict with national laws, or with provincial rules and regulations, shall be null and void.

Article 126. In the hsien, there shall be a hsien government with a hsien magistrate who shall be elected by the people of the hsien.

Article 127. The hsien magistrate shall have charge of hsien self-government and shall administer matters delegated to the hsien by the central or provincial government.

Article 128. The provisions governing the hsien shall apply mutatis mutandis to the municipality.

Chapter XII. Election, Recall, Initiative and Referendum

- Article 129. The various kinds of elections prescribed in this Constitution, except as otherwise provided by this Constitution, shall be by universal, equal, and direct suffrage and by secret ballot
- Article 130. Any citizen of the Republic of China who has attained the age of 20 years shall have the right of election in accordance with law. Except as otherwise provided by this Constitution or by law, any citizen who has attained the age of 23 years shall have the right of being elected in accordance with law.
- Article 131. All candidates in the various kinds of elections prescribed in this Constitution shall openly campaign for their election.
- Article 132. Intimidation or inducement shall be strictly forbidden in elections. Suits arising in connection with elections shall be tried by the courts.
- Article 133. A person elected may, in accordance with law, be recalled by his constituency.
- Article 134. In the various kinds of elections, the number of women to be elected shall be fixed, and measures pertaining thereto shall be prescribed by law.
- Article 135. The number of delegates to the National Assembly and the manner of their election from people in interior areas, who have their own conditions of living and habits, shall be prescribed by law.
- Article 136. The exercise of the rights of initiative and referendum shall be prescribed by law.

Chapter XIII. Fundamental National Policies

Section 1. National Defense

- Article 137. The national defense of the Republic of China shall have as its objective the safeguarding of national security and the preservation of world peace. The organization of national defense shall be prescribed by law.
- Article 138. The land, sea and air forces of the whole country shall be above personal, regional, or party affiliations, shall be loyal to the state, and shall protect the people.
- Article 139. No political party and no individual shall make use of armed forces as an instrument in a struggle for political powers.
- Article 140. No military man in active service may concurrently hold a civil office.

Section 2. Foreign Policy

- Article 141. The foreign policy of the Republic of China shall, in a spirit of independence and initiative and on the basis of the principles of equality and reciprocity, cultivate good-neighborliness with other nations, and respect treaties and the Charter of the United Nations, in order to protect the rights and interests of Chinese citizens residing abroad, promote international cooperation, advance international justice and ensure world peace.

Section 3. National Economy

- Article . National economy shall be based on the Principle of the People's Livelihood and shall seek to effect equalization of land ownership and restriction of private capital

142. in order to attain a well-balanced sufficiency in national wealth and people's livelihood.
- All land within the territory of the Republic of China shall belong to the whole body of citizens. Private ownership of land, acquired by the people in accordance with law, shall be protected and restricted by law. Privately-owned land shall be liable to taxation according to its value, and the Government may buy such land according to its value.
- Article 143. Mineral deposits which are embedded in the land, and natural power which may, for economic purposes, be utilized for the public benefit shall belong to the State, regardless of the fact that private individuals may have acquired ownership over such land.
- If the value of a piece of land has increased, not through the exertion of labor or the employment of capital, the State shall levy thereon an increment tax, the proceeds of which shall be enjoyed by the people in common. In the distribution and readjustment of land, the State shall in principle assist self-farming land-owners and persons who make use of the land by themselves, and shall also regulate their appropriate areas of operation.
- Article 144. Public utilities and other enterprises of a monopolistic nature shall, in principle, be under public operation. In cases permitted by law, they may be operated by private citizens.
- Article 145. With respect to private wealth and privately-operated enterprises, the State shall restrict them by law if they are deemed detrimental to a balanced development of national wealth and people's livelihood. Cooperative enterprises shall receive encouragement and assistance from the State. Private citizens' productive enterprises and foreign trade shall receive encouragement, guidance and protection from the State.
- Article 146. The State shall, by the use of scientific techniques, develop water conservancy, increase the productivity of land, improve agricultural conditions, plan for the utilization of land, develop agricultural resources and hasten the industrialization of agriculture.
- Article 147. The Central Government, in order to attain balanced economic development among the provinces, shall give appropriate aid to poor or unproductive provinces. The provinces, in order to attain balanced economic development among the hsien, shall give appropriate aid to poor or unproductive hsien.
- Article 148. Within the territory of the Republic of China, all goods shall be permitted to move freely from place to place.
- Article 149. Financial institutions shall, in accordance with law, be subject to State control.
- Article 150. The State shall extensively establish financial institutions for the common people, with a view to relieving unemployment.
- Article 151. With respect to Chinese citizens residing abroad, the State shall foster and protect the development of their economic enterprises.

Section 4. Social Security

Article

152. The State shall provide suitable opportunity for work to people who are able to work.

Article 153. The State, in order to improve the livelihood of laborers and farmers and to improve their productive skill, shall enact laws and carry out policies for their protection. Women and children engaged in labor shall, according to their age and physical condition, be accorded special protection.

Article 154. Capital and labor shall, in accordance with the principle of harmony and cooperation, promote productive enterprises. Conciliation and arbitration of disputes between capital and labor shall be prescribed by law.

Article 155. The State, in order to promote social welfare, shall establish a social insurance system. To the aged and the infirm who are unable to earn a living, and to victims of unusual calamities, the State shall give appropriate assistance and relief.

Article 156. The State, in order to consolidate the foundation of national existence and development, shall protect motherhood and carry out the policy of promoting the welfare of women and children.

Article 157. The State, in order to improve national health, shall establish extensive services for sanitation and health protection, and a system of public medical service.

Section 5. Education and Culture

Article

158. Education and culture shall aim at the development among the citizens of the national spirit, the spirit of self-government, national morality, good physique, scientific knowledge, and the ability to earn a living.

Article 159. All citizens shall have equal opportunity to receive an education.

Article 160. All children of school age from six to 12 years shall receive free primary education. Those from poor families shall be supplied with books by the Government. All citizens above school age who have not received primary education shall receive supplementary education free of charge and shall also be supplied with books by the Government.

Article 161. The national, provincial, and local governments shall extensively establish scholarships to assist students of good scholastic standing and exemplary conduct who lack the means to continue their school education.

Article 162. All public and private educational and cultural institutions in the country shall, in accordance with law, be subject to State supervision.

Article 163. The State shall pay due attention to the balanced development of education in different regions, and shall promote social education in order to raise the cultural standard of the citizens in general. Grants from the National Treasury shall be made

to frontier regions and economically poor areas to help them meet their educational and cultural expenses. The Central Government may either itself undertake the more important educational and cultural enterprises in such regions or give them financial assistance.

Article 164. Expenditures of educational programs, scientific studies and cultural services shall not be, in respect of the Central Government, less than 15 percent of the total national budget; in respect of each province, less than 25 percent of the total provincial budgets; and in respect of each municipality or hsien, less than 35 percent of the total municipal or hsien budget. Educational and cultural foundations established in accordance with law shall, together with their property, be protected.

Article 165. The State shall safeguard the livelihood of those who work in the fields of education, sciences and arts, and shall, in accordance with the development of national economy, increase their remuneration from time to time.

Article 166. The State shall encourage scientific discoveries and inventions, and shall protect ancient sites and articles of historical, cultural or artistic value.

The State shall give encouragement or subsidies to the following enterprises or individuals:

- Article 167.
1. Educational enterprises in the country which have been operated with good record by private individuals;
 2. Educational enterprises which have been operated with good record by Chinese citizens residing abroad;
 3. persons who have made discoveries or inventions in the fields of learning and technology; and
 4. Persons who have rendered long and meritorious services in the field of education.

Section 6. Frontier Regions

Article 168. The State shall accord to the various racial groups in the frontier regions legal protection of their status and shall give them special assistance in their local self-government undertakings.

Article 169. The State shall, in a positive manner, undertake and foster the development of education, culture, communications, water conservancy, public health, and other economic and social enterprises of the various racial groups in the frontier regions. With respect to the utilization of land, the State shall, after taking into account the climatic conditions, the nature of the soil and the life and habits of the people, adopt measures to protect the land and to assist in its development.

Chapter XIV. Enforcement and Amendment of the Constitution

Article 170. The term "law," as used in this Constitution, shall denote any legislative bill that shall have been passed by the Legislative Yuan and promulgated by the President of the Republic.

Article 171. Laws that are in conflict with the Constitution shall be null and void. When doubt arises as to whether or not a law is in conflict with the Constitution, interpretation thereon shall be made by the Judicial Yuan.

Article 172. Ordinances that are in conflict with the Constitution or with laws shall be null and void.

- Article 173. The Constitution shall be interpreted by the Judicial Yuan.
- Amendments to the Constitution shall be made in accordance with one of the following procedures:
1. Upon the proposal of one-fifth of the total number of the delegates to the National Assembly and by a resolution of three-fourths of the delegates present at a meeting having a quorum of two-thirds of the entire Assembly, the Constitution may be amended.
 2. Upon the proposal of one-fourth of the Members of the Legislative Yuan and a resolution of three-fourths of the Members present at a meeting having a quorum of three-fourths of the Members of the Yuan, an amendment may be drawn up and submitted to the National Assembly by way of referendum. Such a proposed amendment to the Constitution shall be publicly published half a year before the National Assembly convenes.
- Article 174. Whenever necessary, enforcement procedures in regard to any matters prescribed in this Constitution shall be separately provided by law.
- Article 175. The preparatory procedures for the enforcement of this Constitution shall be decided upon by the same National Assembly which shall have adopted this Constitution.

To meet the requisites of the nation prior to national unification, the following articles of the ROC Constitution are added or amended to the ROC Constitution in accordance with Article 27, Paragraph 1, Item 3; and Article 174, Item 1:

Article 1.

The electors of the free area of the Republic of China shall cast ballots at a referendum within three months of the expiration of a six-month period following the public announcement of a proposal passed by the Legislative Yuan on the amendment of the Constitution or alteration of the national territory. The provisions of Article 4 and Article 174 of the Constitution shall not apply.

The provisions of Articles 25 through 34 and Article 135 of the Constitution shall cease to apply.

Article 2.

The president and the vice president shall be directly elected by the entire populace of the free area of the Republic of China. This shall be effective from the election for the ninth-term president and vice president in 1996. The presidential and the vice-presidential candidates shall register jointly and be listed as a pair on the ballot. The pair that receives the highest number of votes shall be elected. Citizens of the free area of the Republic of China residing abroad may return to the ROC to exercise their electoral rights and this shall be stipulated by law.

Presidential orders to appoint or remove from office the president of the Executive Yuan or personnel appointed with the confirmation of the Legislative Yuan in accordance with the Constitution, and to dissolve the Legislative Yuan, shall not require the countersignature of the president of the Executive Yuan. The provisions of Article 37 of the Constitution shall not apply.

The president may, by resolution of the Executive Yuan Council, issue emergency decrees and take all necessary measures to avert imminent danger affecting the security of the State or of the people or to cope with any serious financial or economic crisis, the restrictions in Article 43 of the Constitution notwithstanding. However, such decrees shall, within ten days of issuance, be presented to the Legislative Yuan for ratification. Should the Legislative Yuan withhold ratification, the said

emergency decrees shall forthwith cease to be valid.

To determine major policies for national security, the president may establish a national security council and a subsidiary national security bureau. The organization of the said organs shall be stipulated by law.

The president may, within ten days following passage by the Legislative Yuan of a no-confidence vote against the president of the Executive Yuan, declare the dissolution of the Legislative Yuan after consulting with its president. However, the president shall not dissolve the Legislative Yuan while martial law or an emergency decree is in effect. Following the dissolution of the Legislative Yuan, an election for legislators shall be held within 60 days. The new Legislative Yuan shall convene of its own accord within ten days after the results of the said election have been confirmed, and the term of the said Legislative Yuan shall be reckoned from that date.

The terms of office for both the president and the vice president shall be four years. The president and the vice president may only be re-elected to serve one consecutive term; and the provisions of Article 47 of the Constitution shall not apply.

Should the office of the vice president become vacant, the president shall nominate a candidate(s) within three months, and the Legislative Yuan shall elect a new vice president, who shall serve the remainder of the original term until its expiration.

Should the offices of both the president and the vice president become vacant, the president of the Executive Yuan shall exercise the official powers of the president and the vice president. A new president and a new vice president shall be elected in accordance with Paragraph 1 of this article and shall serve out each respective original term until its expiration. The pertinent provisions of Article 49 of the Constitution shall not apply.

Recall of the president or the vice president shall be initiated upon the proposal of one-fourth of all members of the Legislative Yuan, and passed by two-thirds of all the members. The final recall must be passed by more than one-half of the valid ballots in a vote in which more than one-half of the electorate in the free area of the Republic of China takes part.

Should a motion to impeach the president or the vice president initiated by the Legislative Yuan and presented to the grand justices of the Judicial Yuan for adjudication be upheld by the Constitutional Court, the impeached person shall forthwith be relieved of his duties.

Article 3.

The president of the Executive Yuan shall be appointed by the president. Should the president of the Executive Yuan resign or the office become vacant, the vice president of the Executive Yuan shall temporarily act as the president of the Executive Yuan pending a new appointment by the president. The provisions of Article 55 of the Constitution shall cease to apply.

The Executive Yuan shall be responsible to the Legislative Yuan in accordance with the following provisions; the provisions of Article 57 of the Constitution shall cease to apply:

- (1) The Executive Yuan has the duty to present to the Legislative Yuan a statement on its administrative policies and a report on its administration. While the Legislative Yuan is in session, its members shall have the right to interpellate the president of the Executive Yuan and the heads of ministries and other organizations under the Executive Yuan.
- (2) Should the Executive Yuan deem a statutory, budgetary, or treaty bill passed by the

Legislative Yuan difficult to execute, the Executive Yuan may, with the approval of the president of the Republic and within ten days of the bill's submission to the Executive Yuan, request the Legislative Yuan to reconsider the bill. The Legislative Yuan shall reach a resolution on the returned bill within 15 days after it is received. Should the Legislative Yuan be in recess, it shall convene of its own accord within seven days and reach a resolution within 15 days after the session begins. Should the Legislative Yuan not reach a resolution within the said period of time, the original bill shall become invalid. Should more than one-half of the total number of Legislative Yuan members uphold the original bill, the president of the Executive Yuan shall immediately accept the said bill.

- (3) With the signatures of more than one-third of the total number of Legislative Yuan members, the Legislative Yuan may propose a no-confidence vote against the president of the Executive Yuan. Seventy-two hours after the no-confidence motion is made, an open-ballot vote shall be taken within 48 hours. Should more than one-half of the total number of Legislative Yuan members approve the motion, the president of the Executive Yuan shall tender his resignation within ten days, and at the same time may request that the president dissolve the Legislative Yuan. Should the no-confidence motion fail, the Legislative Yuan may not initiate another no-confidence motion against the same president of the Executive Yuan within one year.

The powers, procedures of establishment, and total number of personnel of national organizations shall be subject to standards set forth by law.

The structure, system, and number of personnel of each organization shall be determined according to the policies or operations of each organization and in accordance with the law as referred to in the preceding paragraph.

Article 4.

Beginning with the Seventh Legislative Yuan, the Legislative Yuan shall have 113 members, who shall serve a term of four years, which is renewable after re-election. The election of members of the Legislative Yuan shall be completed within three months prior to the expiration of each term, in accordance with the following provisions, the restrictions in Article 64 and Article 65 of the Constitution notwithstanding:

- (1) Seventy-three members shall be elected from the Special Municipalities, counties, and cities in the free area. At least one member shall be elected from each county and city.
- (2) Three members each shall be elected from among the lowland and highland aborigines in the free area.
- (3) A total of thirty-four members shall be elected from the nationwide constituency and among citizens residing abroad.

Members for the seats set forth in Subparagraph 1 of the preceding paragraph shall be elected in proportion to the population of each Special Municipality, county, or city, which shall be divided into electoral constituencies equal in number to the number of members to be elected. Members for the seats set forth in Subparagraph 3 shall be elected from the lists of political parties in proportion to the number of votes won by each party that obtains at least 5 percent of the total vote, and the number of elected female members on each party's list shall not be less than one-half of the total number.

When the Legislative Yuan convenes each year, it may hear a report on the state of the nation by the president.

Following the dissolution of the Legislative Yuan by the president and prior to the inauguration of its new members, the Legislative Yuan shall be regarded as in recess.

The territory of the Republic of China, defined by its existing national boundaries, shall not be altered unless initiated upon the proposal of one-fourth of the total members of the Legislative Yuan, passed by at least three-fourths of the members present at a meeting attended by at least three-fourths of the total members of the Legislative Yuan, and sanctioned by electors in the free area of the Republic of China at a referendum held upon expiration of a six-month period of public announcement of the proposal, wherein the number of valid votes in favor exceeds one-half of the total number of electors.

Should the president issue an emergency decree after dissolving the Legislative Yuan, the Legislative Yuan shall convene of its own accord within three days to vote on the ratification of the decree within seven days after the session begins. However, should the emergency decree be issued after the election of new members of the Legislative Yuan, the new members shall vote on the ratification of the decree after their inauguration. Should the Legislative Yuan withhold ratification, the emergency decree shall forthwith be void.

Impeachment of the president or the vice president by the Legislative Yuan shall be initiated upon the proposal of more than one-half of the total members of the Legislative Yuan and passed by more than two-thirds of the total members of the Legislative Yuan, whereupon it shall be presented to the grand justices of the Judicial Yuan for adjudication. The provisions of Article 90 and Article 100 of the Constitution and Article 7, Paragraph 1 of the Additional Articles of the Constitution shall not apply.

No member of the Legislative Yuan may be arrested or detained without the permission of the Legislative Yuan, when that body is in session, except in case of flagrante delicto. The provisions of Article 74 of the Constitution shall cease to apply.

Article 5.

The Judicial Yuan shall have 15 grand justices. The 15 grand justices, including a president and a vice president of the Judicial Yuan to be selected from amongst them, shall be nominated and, with the consent of the Legislative Yuan, appointed by the president of the Republic. This shall take effect from the year 2003, and the provisions of Article 79 of the Constitution shall not apply. The provisions of Article 81 of the Constitution and pertinent regulations on the lifetime holding of office and payment of salary do not apply to grand justices who did not transfer from the post of a judge.

Each grand justice of the Judicial Yuan shall serve a term of eight years, independent of the order of appointment to office, and shall not serve consecutive terms. The grand justices serving as president and vice president of the Judicial Yuan shall not enjoy the guarantee of an eight-year term.

Among the grand justices nominated by the president in the year 2003, eight members, including the president and the vice president of the Judicial Yuan, shall serve for four years. The remaining grand justices shall serve for eight years. The provisions of the preceding paragraph regarding term of office shall not apply.

The grand justices of the Judicial Yuan shall, in addition to discharging their duties in accordance with Article 78 of the Constitution, form a Constitutional Court to adjudicate matters relating to the impeachment of the president or the vice president, and the dissolution of unconstitutional political parties.

A political party shall be considered unconstitutional if its goals or activities endanger the existence

of the Republic of China or the nation's free and democratic constitutional order.

The proposed budget submitted annually by the Judicial Yuan may not be eliminated or reduced by the Executive Yuan; however, the Executive Yuan may indicate its opinions on the budget and include it in the central government's proposed budgetary bill for submission to the Legislative Yuan for deliberation.

Article 6.

The Examination Yuan shall be the highest examination body of the State, and shall be responsible for the following matters; and the provisions of Article 83 of the Constitution shall not apply:

- (1) Holding of examinations;
- (2) Matters relating to the qualification screening, security of tenure, pecuniary aid in case of death, and retirement of civil servants; and
- (3) Legal matters relating to the employment, discharge, performance evaluation, scale of salaries, promotion, transfer, commendation and award of civil servants.

The Examination Yuan shall have a president, a vice president, and several members, all of whom shall be nominated and, with the consent of the Legislative Yuan, appointed by the president of the Republic; and the provisions of Article 84 of the Constitution shall not apply.

The provisions of Article 85 of the Constitution concerning the holding of examinations in different areas, with prescribed numbers of persons to be selected according to various provinces and areas, shall cease to apply.

Article 7.

The Control Yuan shall be the highest control body of the State and shall exercise the powers of impeachment, censure and audit; and the pertinent provisions of Article 90 and Article 94 of the Constitution concerning the exercise of the power of consent shall not apply.

The Control Yuan shall have 29 members, including a president and a vice president, all of whom shall serve a term of six years. All members shall be nominated and, with the consent of the Legislative Yuan, appointed by the president of the Republic. The provisions of Article 91 through Article 93 of the Constitution shall cease to apply.

Impeachment proceedings by the Control Yuan against a public functionary in the central government, or local governments, or against personnel of the Judicial Yuan or the Examination Yuan, shall be initiated by two or more members of the Control Yuan, and be investigated and voted upon by a committee of not less than nine of its members, the restrictions in Article 98 of the Constitution notwithstanding.

In the case of impeachment by the Control Yuan of Control Yuan personnel for dereliction of duty or violation of the law, the provisions of Article 95 and Article 97, Paragraph 2 of the Constitution, as well as the preceding paragraph, shall apply.

Members of the Control Yuan shall be beyond party affiliation and independently exercise their powers and discharge their responsibilities in accordance with the law.

The provisions of Article 101 and Article 102 of the Constitution shall cease to apply.

Article 8.

The remuneration or pay of the members of the Legislative Yuan shall be prescribed by law. Except

for general annual adjustments, individual provisions on increase of remuneration or pay shall take effect starting with the subsequent Legislative Yuan.

Article 9.

The system of self-government in the provinces and counties shall include the following provisions, which shall be established by the enactment of appropriate laws, the restrictions in Article 108, Paragraph 1, Subparagraph 1; Article 109; Article 112 through Article 115; and Article 122 of the Constitution notwithstanding:

- (1) A province shall have a provincial government of nine members, one of whom shall be the provincial governor. All members shall be nominated by the president of the Executive Yuan and appointed by the president of the Republic.
- (2) A province shall have a provincial advisory council made up of a number of members, who shall be nominated by the president of the Executive Yuan and appointed by the president of the Republic.
- (3) A county shall have a county council, members of which shall be elected by the people of the said county.
- (4) The legislative powers vested in a county shall be exercised by the county council of the said county.
- (5) A county shall have a county government headed by a county magistrate who shall be elected by the people of the said county.
- (6) The relationship between the central government and the provincial and county governments.
- (7) A province shall execute the orders of the Executive Yuan and supervise matters governed by the counties.

The modifications of the functions, operations, and organization of the Taiwan Provincial Government may be specified by law.

Article 10.

The State shall encourage the development of and investment in science and technology, facilitate industrial upgrading, promote modernization of agriculture and fishery, emphasize exploitation and utilization of water resources, and strengthen international economic cooperation.

Environmental and ecological protection shall be given equal consideration with economic and technological development.

The State shall assist and protect the survival and development of private small and medium-sized enterprises.

The State shall manage government-run financial organizations, in accordance with the principles of business administration. The management, personnel, proposed budgets, final budgets, and audits of the said organizations may be specified by law.

The State shall promote universal health insurance and promote the research and development of both modern and traditional medicines.

The State shall protect the dignity of women, safeguard their personal safety, eliminate sexual discrimination, and further substantive gender equality.

The State shall guarantee insurance, medical care, obstacle-free environments, education and training, vocational guidance, and support and assistance in everyday life for physically and mentally

handicapped persons, and shall also assist them to attain independence and to develop.

The State shall emphasize social relief and assistance, welfare services, employment for citizens, social insurance, medical and health care, and other social welfare services. Priority shall be given to funding social relief and assistance, and employment for citizens.

The State shall respect military servicemen for their contributions to society, and guarantee studies, employment, medical care, and livelihood for retired servicemen.

Priority shall be given to funding education, science, and culture, and in particular funding for compulsory education, the restrictions in Article 164 of the Constitution notwithstanding.

The State affirms cultural pluralism and shall actively preserve and foster the development of aboriginal languages and cultures.

The State shall, in accordance with the will of the ethnic groups, safeguard the status and political participation of the aborigines. The State shall also guarantee and provide assistance and encouragement for aboriginal education, culture, transportation, water conservation, health and medical care, economic activity, land, and social welfare, measures for which shall be established by law. The same protection and assistance shall be given to the people of the Penghu, Kinmen, and Matsu areas.

The State shall accord to nationals of the Republic of China residing overseas protection of their rights of political participation.

Article 11.

Rights and obligations between the people of the Chinese mainland area and those of the free area, and the disposition of other related affairs may be specified by law.

Article 12.

Amendment of the Constitution shall be initiated upon the proposal of one-fourth of the total members of the Legislative Yuan, passed by at least three-fourths of the members present at a meeting attended by at least three-fourths of the total members of the Legislative Yuan, and sanctioned by electors in the free area of the Republic of China at a referendum held upon expiration of a six-month period of public announcement of the proposal, wherein the number of valid votes in favor exceeds one-half of the total number of electors. The provisions of Article 174 of the Constitution shall not apply.

Gouvernement central de Taïwan

The Presidency

As head of state, the President, starting from the ninth term, shall be directly elected by the entire populace of the free area of the Republic of China, and may hold office for no more than two consecutive four-year terms. The President represents the country in its foreign relations and at state functions. All acts are conducted in his name, including command of the armed forces; promulgation of laws and decrees; declaration of martial law with the approval of, or subject to confirmation by, the Legislative Yuan; appointment and removal of civil servants and military officers; conferring of honors and decorations; granting of amnesties and pardons,

remission of sentences, and restitution of civil rights; as well as conclusion of treaties and declaration of war and cease-fire. According to the newly amended Additional Articles of the Constitution, the President, by the resolution of the Executive Yuan, may issue emergency orders and take all necessary measures to avert imminent danger affecting the security of the State or of the people or to cope with any serious financial or economic crisis. The President may, following passage by the Legislative Yuan of a no-confidence vote against the president of the Executive Yuan, declare the dissolution of the Legislative Yuan after consulting with its president. However, the President shall not dissolve the Legislative Yuan while martial law or an emergency order is in effect.

The Executive Yuan, the highest administrative organ of this country, has a president (usually referred to as the premier), a vice president (vice premier), a number of ministers and chairpersons of commissions or councils, and several ministers without portfolio. The premier is appointed by the President of the Republic. The vice premier, ministers, and chairpersons are appointed by the President on the recommendation of the premier.

Executive Yuan

In accordance with the Organic Act of the Executive Yuan as amended and promulgated on February 3, 2010, there are to be a total of 29 agencies under the Executive Yuan (14 ministries, eight commissions, three independent agencies, one bank, one museum, and two general divisions). The amended Act entered into force on January 1, 2012, and preparations to establish new agencies are moving forward in tandem with progress in the Legislative Yuan toward the passage of related government reorganization bills. The work is proceeding at a deliberate pace to ensure that the changes are supported by a fully developed legislative framework, sound and stable implementation of policy, and a solid set of accompanying measures.

Legislative Yuan

The Legislative Yuan, the highest legislative organ of this Country, exercises legislative power on behalf of the people. Beginning with the Seventh Legislative Yuan, the Legislative Yuan shall have 113 members. The members of the Legislative Yuan shall serve a term of four years, which is renewable after re-election. The distribution of the Legislative seats is as follows: (1) Seventy-three members shall be elected from the Special Municipalities, counties, and cities in the free area. At least one member shall be elected from each county or city. Members for the seats shall be elected in proportion to the population of each Special Municipality, county, or city, which shall be divided into electoral constituencies equal in number with the members to be elected; (2) Three members each shall be elected from among the lowland and highland aborigines in the free area; (3) A total of 34 members shall be elected from the nationwide constituency and among citizens residing abroad. Members for the seats shall be elected proportionately from each of the political parties that obtains at least 5 percent of the total vote, and each party's female elects shall not be less than one-half of its total elected members. The Legislative Yuan has a president and a vice president, elected by and from among its members.

The functions of the Legislative Yuan are: to decide by resolution statutory or budgetary bills or bills concerning martial law, amnesty, declaration of

war, conclusion of peace or treaties, and other important affairs of the state; to propose to amend the Constitution, change the nation's territorial boundaries, or impeach the President or Vice President; to exercise the power of consent regarding appointments of personnel nominated by the ROC President, such as the president, vice president and grand justices of the Judicial Yuan, the president, vice president and members of the Examination Yuan, the president, vice president, members and the Auditor General of the Control Yuan, and the Public Prosecutor General of the Prosecutors Office of the Supreme Court. When the Legislative Yuan convenes each year, it may hear a report on the state of the nation by the President.

The Judicial Yuan is the country's highest judicial organ under which are courts and administrative courts at all levels, as well as the Committee on the Discipline of Public Functionaries. It is responsible for the adjudication of civil, criminal, and administrative litigations, as well as the discipline of civil servants.

Judicial Yuan

The Judicial Yuan shall have 15 grand justices. The 15 grand justices, including a president and a vice president of the Judicial Yuan to be selected from amongst them, shall be nominated and, with the consent of the Legislative Yuan, appointed by the President of the Republic. Each grand justice of the Judicial Yuan shall serve a term of eight years, independent of the order of appointment to office, and shall not serve consecutive terms. The grand justices serving as president and vice president of the Judicial Yuan shall not enjoy the guarantee of an eight-year term. Through group consultations, the grand justices interpret the Constitution and unify the interpretation of laws and ordinances. They also form a constitutional tribunal to adjudicate matters relating to the impeachment of the President or the Vice President, and the dissolution of political parties violating constitutional provisions.

Examination Yuan

The Examination Yuan is responsible for the examination, employment, and management of all civil servants in this country. Specifically, the Examination Yuan oversees all examination-related matters; all matters relating to qualification screening; security of tenure, pecuniary aid in case of death, and the retirement of civil servants; and all legal matters pertaining to the employment, discharge, performance evaluations, scale of salaries, promotions, transfers, commendations, and rewards for civil servants. All these functions are handled by the Ministry of Examination, Ministry of Personnel, the Supervisory Board of Civil Servants Pension Fund, and the Civil Service Protection and Training Commission.

Control Yuan

The Examination Yuan has a president, a vice president, and 19 members, all of whom are, with the consent of the Legislative Yuan, appointed by the ROC President for six-year terms.

The Control Yuan is the highest watchdog body of this country, exercising the powers of impeachment, censure, and audit. It has 29 members, including a president and a vice president, each of whom shall serve a term of six years and is appointed by the President of the ROC with the consent of the Legislative Yuan. The Control Yuan has a Ministry of Audit, headed by an auditor-general who is nominated and appointed, with the consent of

the Legislative Yuan, by the President of the Republic for a six-year term. The ministry audits the final accounts of revenues and expenditures of all government agencies.

Gouvernement local de Taïwan

Local government in the ROC (Taiwan) is subdivided into several different levels. Beneath the central government are provinces and special municipalities. Beneath the provinces are counties and cities; counties are subdivided into rural townships, urban townships, and county-administered cities; special municipalities and cities are subdivided into districts. A special municipality, county, city, rural township, urban township, or county-administered city is an organ of local self-governance, but a province is not. Currently the ROC comprises two provinces (Taiwan and Fujian) and five special municipalities (Taipei, New Taipei, Taichung, Tainan, and Kaohsiung). At the provincial level, under Taiwan Province are 12 counties and three cities, and under these counties and cities are 213 rural townships, urban townships, county-administered cities, and city districts; and under Fujian Province are two counties governing 10 rural and urban townships.

Provincial Level

A province has a provincial government and a provincial consultative council. The provincial government is a branch under the Executive Yuan that executes the orders of the Executive Yuan and supervises matters governed by the counties and cities. The provincial government has a committee of nine members, one of whom is the provincial governor. The governor, concurrently politically appointed to administer provincial affairs, and other committee members (without remuneration) are nominated by the president of the Executive Yuan and appointed by the president of the republic. In addition, a provincial consultative council provides advice and recommendations on provincial affairs to the provincial government and has 21 to 29 councillors who serve three-year terms. One of the councillors is appointed as the head to administer council affairs. All councillors are nominated by the president of the Executive Yuan and appointed by the president of the republic. Taiwan Province currently has a provincial government and provincial consultative council, while Fujian Province has just a provincial government.

Special Municipality Level

A special municipality has a municipal government and a municipal council, which act respectively as the legislative and administrative branches of the municipality. The members of the municipal council are popularly elected to four-year terms and are eligible for re-election. The municipal government has a mayor who represents the special municipality to the public, is responsible for general administrative affairs, is elected by popular vote to serve a four-year term, and serves no more than two consecutive terms. The mayor of a special municipality appoints two deputies (or three if the population of the municipality is 2.5 million or greater) to

assist the mayor in handling governmental affairs, and submits the appointment to the Executive Yuan for the public record.

County Level

Each county and city has a government and a council. The council acts as the legislative branch of the county or city. Its members are elected by popular vote to four-year terms, and are eligible for re-election. County and city governments act as the administrative branches of counties and cities. County governments are headed by magistrates and city governments by mayors, who represent the county or city to the public and are responsible for general administrative affairs of the county or city government. A county magistrate also supervises the self-governance of rural townships, urban townships, and county-administered cities. Both magistrates and mayors are popularly elected to four-year terms and serve no more than two consecutive terms. A magistrate or mayor appoints one deputy (or two if the population of the county or city is 1.5 million or greater) to assist the magistrate or mayor in handling governmental affairs, and submits the appointment to the Ministry of the Interior for the public record.

香港特别行政区基本法 Hong Kong Basic Law

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。

Hong Kong has been part of the territory of China since ancient times; it was occupied by Britain after the Opium War in 1840.

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。

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.

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

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 I General Principles

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 a red flag with a bauhinia highlighted by 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 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.

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

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。

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.

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。

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.

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

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 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.

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 organizations or bodies from conducting political activities in the Region, and to prohibit political organizations or bodies of the Region from establishing ties with foreign political organizations 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；

(2) 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;

(4) 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;

(5) 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;

(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。

and (6) 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。禁止对居民施行酷行、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. 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。

Article 29 The homes and other premises of Hong Kong residents shall be inviolable.

禁止任意或非法搜查、侵入居民的住宅和其他房屋。

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. They shall have freedom to travel and to enter or leave the Region. Unless restrained by law, holders of valid travel documents shall be free to leave the Region without special authorization.

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 第一节 行政长官

Chapter IV Political Structure 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 Annex 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 the 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；

(2) 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；

(3) 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；

(4) 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；

(5) 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；

(6) 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；

(7) 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；

(8) 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;

(9) 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;

(10) 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;

(11) 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;

(12) To pardon persons convicted of criminal offences or commute their penalties;

(十三) 处理请愿, 申诉事项。

and (13) 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 must 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 appropriation of public funds cannot be approved because the Legislative Council has already been dissolved, the Chief Executive may, prior to the election of the new Legislative Council, approve provisional short-term appropriations according to the level of expenditure of the previous fiscal year.

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；

(2) 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;

（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。

and (3) 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 principle officials of the executive authorities, members of the Legislative Council and public figures. Their appointment or removal shall be decided by the Chief Executive. The term of office of members of the Executive Council shall not extend beyond the expiry of the term of office of the Chief Executive who appoints 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.

第四章 政治体制 第二节 行政机关

Section 2: the Executive Authorities

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。

A Department of Administration, a Department of Finance, a Department of Justice, and various bureaux, divisions and commissions shall be established 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) To formulate and implement policies;

（二）管理各项行政事务；

(2) 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；

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

（五）拟定并提出法案、议案、附属法规；

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

（六）委派官员列席立法会并代表政府发言。

(6) 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.

第四章 政治体制 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 the Region who are not of Chinese nationality or who have the right of abode in foreign countries may also not of Chinese nationality or who have the right of abode in foreign countries may also be elected members of the Legislative Council of the 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 Annex 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；

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

（三）决定开会时间；

(3) To decide on the time of meetings;

（四）在休会期间可召开特别会议；

(4) To call special sessions during the recess;

（五）应行政长官的要求召开紧急会议；

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

（六）立法会议事规则所规定的其他职权。

(6) 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；

(3) To approve taxation and public expenditure;

(四) 听取行政长官的施政报告并进行辩论；

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

(五) 对政府的工作提出质询；

(5) 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；

(6) 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；

(7) 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；

(8) 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。

(9) 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。

(10) 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 shall be required before bills relating to government policies are introduced.

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；

(2) 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；

(3) When he or she loses or renounces his or her status as a permanent resident of the 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；

(5) 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；

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

（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。

(7) 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.

第四章 政治体制 第四节 司法机关

Section 4: The Judiciary

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 comprise 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, which may as required invite judges from other common law jurisdictions to sit on the Court of Final Appeal.

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.

第四章 政治体制 第五节 区域组织 Section 5: District 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.

第四章 政治体制 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, except where otherwise provided for in Article 101 of this Law regarding public servants of foreign nationalities and except for those below a certain rank as prescribed by law.

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 nationals as advisers to government departments and, when required, may recruit qualified candidates from outside the Region to fill professional and technical posts in government departments. These foreign nationals shall be employed only in their individual capacities and shall be responsible to the government of the 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、培训和管理制度的制度，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 第一节 财政、金融、贸易和工商业 Chapter V Economy 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 and 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 and 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 currency shall be vested in the Government of the Hong Kong Special Administrative Region. The issue of Hong Kong currency must be backed by a 100 per cent 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 authorize designated banks to issue or continue to issue Hong Kong currency under statutory authority, after satisfying itself that any issue of currency will be soundly based and that the arrangements for such issue are consistent with the object of maintaining the stability of the 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 shall be freely convertible. Markets for foreign exchange, gold, securities, futures and the like 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 its own 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 coordinate 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.

第五章 经济 第二节 土地契约 Section 2: Land Leases

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

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.

第五章 经济 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.

第五章 经济 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。

(3) 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;

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

(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。

and (4) 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 VI 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。

Community 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。

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.

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。学生享有选择院校和在香港特别行政区以外求学的自由。

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.

第一百三十八条 香港特别行政区政府自行制定发展中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. Community 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 regulations 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, and these organizations 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 in accordance with 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 VII 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 steps to ensure that the Hong Kong Special Administrative Region shall continue to retain its status in an appropriate capacity in those international organizations of 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 Special Administrative Region. The Central People's Government shall, as necessary, authorize or assist the government of the Region to make appropriate arrangements for the application to the 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

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 Chinese 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.

各地区有效，并载明持有人有返回香港特别行政区的权利。

The above passports and documents shall be valid for all states and regions and shall record the holder's right to return to the 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、关官方机构，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 recognized by the People's Republic of China may only establish non-governmental institutions in the Region.

第八章 本法的解释和修改 Chapter VIII Interpretation and Amendment of the Basic 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

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 the 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 the Region, and if such interpretation will affect the judgments on the cases, the courts of the 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.

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。

When the Standing Committee makes an interpretation of the provisions concerned, the courts of the 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 IX 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, and 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 Annex I : 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。

1. 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：

2. The Election Committee shall be composed of 800 members from the following sectors:

工商、金融界 200 人,专业界 200 人,劳工、社会服务、宗教等界 200 人,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,选举委员会每届任期五年。

Industrial, commercial and financial sectors 200 The professions 200 Labour, social services, religious and other sectors 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 Committee of the Chinese People's Political Consultative Conference 200 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。

3. 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 various sectors shall, on their own, elect members to the Election Committee, in accordance with the number of seats allocated and the election method as prescribed by the electoral law.

选举委员以个人身份投票。

Members of the Election Committee shall vote in their individual capacities.

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。

4. 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。

5. The Election Committee shall, on the basis of the list of nominees, elect the Chief Executive designate by secret ballot on a one-person-one-vote basis. The specific election method 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。

6. The first Chief Executive shall be selected in accordance with the "Decision of the National People's Congress of the People's Republic of China on the Method for the Formation

of the First Government and the First Legislative Council of the Hong Kong Special Administrative Region".

七、二 00 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。

7. 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 to 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 Annex II : 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：

1. 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 of the People's Republic of China 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:

第二届功能团体选举的议员 30 人,选举委员会选举的议员 6 人,分区直接选举的议员 24 人

Second term Members returned by functional constituencies 30 Members returned by the Election Committee 6 Members returned by geographical constituencies through direct elections 24

第三届功能团体选举的议员 30 人,分区直接选举的议员 30 人

Third term Members returned by functional constituencies 30 Members returned by geographical constituencies through direct elections 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。

2. 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.

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。

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 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。

The passage of bills introduced by the government shall require at least a simple majority vote of the members of the Legislative Council present.

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 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。

III. Method for the formation of the Legislative Council and its voting procedures subsequent to the year 2007 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

Annex III:

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。

National Laws to be Applied in the Hong Kong special Administrative Region 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》

1. 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》

2. 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》

3. Order on the National Emblem of the People's Republic of China Proclaimed by the Central People's Government.

附：国徽图案、说明、使用办法

Attached: Design of the national emblem notes of explanation and instructions for use. The Design of the Regional Flag and the Design of the Regional Emblem of the Hong Kong Special Administrative Region of the People's Republic of China see page 90 of this book.

四、《中华人民共和国政府关于领海的声明》

4. 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》

5. 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》

6. Regulations of the People's Republic of China Concerning Diplomatic Privileges and Immunities.

澳门基本法 : Macau Basic Law

http://www.basiclaw.org.mo/index.php?p=7_0

La loi sur l'organisation de l'Assemblée populaire et les gouvernements populaires locaux à tous les niveaux de la République populations de Chine (中华人民共和国地方各级人民代表大会和地方各级人民政府组织法)

<http://www.scopsr.gov.cn/rdzt/zzf/>

La loi sur l'autonomie régionale ethnique de la République populaire de Chine (中华人民共和国民族区域自治法)

http://www.gov.cn/test/2005-07/29/content_18338.htm