

中華人民共和國憲法修正案

(1988年4月12日第七屆全國人民代表大會第一次會議通過
1988年4月12日全國人民代表大會公告公布施行)

第一條 憲法第十一條增加規定：“國家允許私營經濟在法律規定的範圍內存在和發展。私營經濟是社會主義公有制經濟的補充。國家保護私營經濟的合法的權利和利益，對私營經濟實行引導、監督和管理。”

第二條 憲法第十條第四款“任何組織或者個人不得侵佔、買賣、出租或者以其他形式非法轉讓土地。”修改為：“任何組織或者個人不得侵佔、買賣或者以其他形式非法轉讓土地。土地的使用權可以依照法律的規定轉讓。”

Paper No. 21

AMENDMENT TO THE CONSTITUTION OF
THE PEOPLE'S REPUBLIC OF CHINA*

(Adopted at the First Session of the Seventh National
People's Congress on 12 April 1988
Promulgated for implementation by the Proclamation of the National
People's Congress on 12 April 1988)

Article 1 Article 11 of the Constitution shall include a new paragraph which reads: “The state permits the private sector of the economy to exist and develop within the limits prescribed by law. The private sector of the economy is a complement to the socialist public economy. The state protects the lawful rights and interests of the private sector of the economy, and exercises guidance, supervision and control over the private sector of the economy.”

Article 2 The fourth paragraph of Article 10 of the Constitution, which provides that “no organization or individual may appropriate, buy, sell or lease land or otherwise engage in the transfer of land by unlawful means,” shall be amended as: “No organization or individual may appropriate, buy, sell or otherwise engage in the transfer of land by unlawful means. The right to the use of land may be transferred according to law.”

* This English translation text is reproduced from “The Laws of the People's Republic of China 1987-1989” compiled by the Legislative Affairs Commission of the Standing Committee of the National People's Congress of the People's Republic of China. It is for reference purposes and has no legislative effect.

中華人民共和國憲法修正案

(1993年3月29日第八屆全國人民代表大會第一次會議通過
1993年3月29日全國人民代表大會公告公布施行)

第三條 憲法序言第七自然段後兩句：“今後國家的根本任務是集中力量進行社會主義現代化建設。中國各族人民將繼續在中國共產黨領導下，在馬克思列寧主義、毛澤東思想指引下，堅持人民民主專政，堅持社會主義道路，不斷完善社會主義的各項制度，發展社會主義民主，健全社會主義法制，自力更生，艱苦奮鬥，逐步實現工業、農業、國防和科學技術的現代化，把我國建設成為高度文明、高度民主的社會主義國家。”修改為：“我國正處於社會主義初級階段。國家的根本任務是，根據建設有中國特色社會主義的理論，集中力量進行社會主義現代化建設。中國各族人民將繼續在中國共產黨領導下，在馬克思列寧主義、毛澤東思想指引下，堅持人民民主專政，堅持社會主義道路，堅持改革開放，不斷完善社會主義的各項制度，發展社會主義民主，健全社會主義法制，自力更生，艱苦奮鬥，逐步實現工業、農業、國防和科學技術的現代化，把我國建設成為富強、民主、文明的社會主義國家。”

第四條 憲法序言第十自然段末尾增加：“中國共產黨領導的多黨合作和政治協商制度將長期存在和發展。”

AMENDMENT TO THE CONSTITUTION OF THE PEOPLE'S REPUBLIC OF CHINA*

(Adopted at the First Session of the Eighth National
People's Congress on 29 March 1993
Promulgated for implementation by the Proclamation of the
National People's Congress on 29 March 1993)

Article 3 The last two sentences of the seventh paragraph of the Preamble to the Constitution, which read: “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,” are revised as follows: “China is at the primary stage of socialism. The basic task of the nation is to concentrate its effort on socialist modernization in line with the theory of building socialism with Chinese characteristics. 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, persevere in reform and opening to the outside world, 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 that is prosperous, powerful, democratic and culturally advanced.”

Article 4 At the end of the tenth paragraph of the Preamble to the Constitution is added: “The system of the multi-party cooperation and political consultation led by the Communist Party of China will exist and develop for a long time to come.”

* This English translation text is reproduced from “The Laws of the People's Republic of China 1993” compiled by the Legislative Affairs Commission of the Standing Committee of the National People's Congress of the People's Republic of China. It is for reference purposes and has no legislative effect.

第五條 憲法第七條：“國營經濟是社會主義全民所有制經濟，是國民經濟中的主導力量。國家保障國營經濟的鞏固和發展。”修改為：“國有經濟，即社會主義全民所有制經濟，是國民經濟中的主導力量。國家保障國有經濟的鞏固和發展。”

第六條 憲法第八條第一款：“農村人民公社、農業生產合作社和其他生產、供銷、信用、消費等各種形式的合作經濟，是社會主義勞動群眾集體所有制經濟。參加農村集體經濟組織的勞動者，有權在法律規定的範圍內經營自留地、自留山、家庭副業和飼養自留畜。”修改為：“農村中的家庭聯產承包為主的責任制和生產、供銷、信用、消費等各種形式的合作經濟，是社會主義勞動群眾集體所有制經濟。參加農村集體經濟組織的勞動者，有權在法律規定的範圍內經營自留地、自留山、家庭副業和飼養自留畜。”

第七條 憲法第十五條：“國家在社會主義公有制基礎上實行計劃經濟。國家通過經濟計劃的綜合平衡和市場調節的輔助作用，保證國民經濟按比例地協調發展。”“禁止任何組織或者個人擾亂社會經濟秩序，破壞國家經濟計劃。”修改為：“國家實行社會主義市場經濟。”“國家加強經濟立法，完善宏觀調控。”“國家依法禁止任何組織或者個人擾亂社會經濟秩序。”

第八條 憲法第十六條：“國營企業在服從國家的統一領導和全面完成國家計劃的前提下，在法律規定的範圍內，有經營管理的自主權。”“國營企業依照法律規定，通過職工代表大會和其他形式，實行民主管理。”修改為：“國有企業在法律規定的範

Article 5 Article 7 of the Constitution, which reads: “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,” is revised as follows: “The state-owned economy, namely, the socialist economy under ownership by the whole people, is the leading force in the national economy. The state ensures the consolidation and growth of the state-owned economy.”

Article 6 The first paragraph of Article 8 of the Constitution, which reads: “Rural people’s communes, agricultural producers’ cooperatives and other forms of cooperative 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. Working people who are members of rural economic collectives 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,” is revised as follows: “In rural areas the responsibility system, the main form of which is household contract that links remuneration to output, and other forms of cooperative economy, such as producers’, supply and marketing, credit and consumers’ co-operatives, belong to the sector of socialist economy under collective ownership by the working people. Working people who are members of rural economic collectives 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.”

Article 7 Article 15 of the Constitution, which reads: “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.” “Disturbance of the socio-economic order or disruption of the state economic plan by any organization or individual is prohibited,” is revised as follows: “The state practises socialist market economy.” “The state strengthens economic legislation, improves macro-regulation and control, and prohibits in accordance with the law any organization or individual from disturbing the socio-economic order.”

Article 8 Article 16 of the Constitution, which reads: “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 fulfill all their obligations under the state plan. State enterprises practise democratic management through congresses of workers and staff and in other ways in accordance with the law,” is revised as follows: “State-owned enterprises have decision-making power with regard to

圍內有權自主經營。”“國有企業依照法律規定，通過職工代表大會和其他形式，實行民主管理。”

第九條 憲法第十七條：“集體經濟組織在接受國家計劃指導和遵守有關法律的前提下，有獨立進行經濟活動的自主權。”“集體經濟組織依照法律規定實行民主管理，由它的全體勞動者選舉和罷免管理人員，決定經營管理的重大問題。”修改為：“集體經濟組織在遵守有關法律的前提下，有獨立進行經濟活動的自主權。”“集體經濟組織實行民主管理，依照法律規定選舉和罷免管理人員，決定經營管理的重大問題。”

第十條 憲法第四十二條第三款：“勞動是一切有勞動能力的公民的光榮職責。國營企業和城鄉集體經濟組織的勞動者都應當以國家主人翁的態度對待自己的勞動。國家提倡社會主義勞動競賽，獎勵勞動模範和先進工作者。國家提倡公民從事義務勞動。”修改為：“勞動是一切有勞動能力的公民的光榮職責。國有企業和城鄉集體經濟組織的勞動者都應當以國家主人翁的態度對待自己的勞動。國家提倡社會主義勞動競賽，獎勵勞動模範和先進工作者。國家提倡公民從事義務勞動。”

第十一條 憲法第九十八條：“省、直轄市、設區的市的人民代表大會每屆任期五年。縣、不設區的市、市轄區、鄉、民族鄉、鎮的人民代表大會每屆任期三年。”修改為：“省、直轄市、縣、市、市轄區的人民代表大會每屆任期五年。鄉、民族鄉、鎮的人民代表大會每屆任期三年。”

their operation within the limits prescribed by law. State-owned enterprises practise democratic management through congresses of workers and staff and in other ways in accordance with the law.”

Article 9 Article 17 of the Constitution, which reads: “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.” “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,” is revised as follows: “Collective economic organizations have decision-making power in conducting independent economic activities, on condition that they abide by the relevant laws. Collective economic organizations practise democratic management and in accordance with the law, elect or remove their managerial personnel and decide on major issues concerning operation and management.”

Article 10 The third paragraph of Article 42 of the Constitution, which reads: “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. The state promotes socialist labour emulation, and commends and rewards model and advanced workers. The state encourages citizens to take part in voluntary labour,” is revised as follows: “Work is a matter of honour for every citizen who is able to work. All working people in state-owned enterprises and in urban and rural economic collectives should approach their work as the masters of the country that they are. The state promotes socialist labour emulation, and commends and rewards model and advanced workers. The state encourages citizens to take part in voluntary labour.”

Article 11 Article 98 of the Constitution, which reads: “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,” is revised as follows: “The term of office of the people's congresses of provinces, municipalities directly under the Central Government, counties, cities and municipal districts is five years. The term of office of the people's congresses of townships, nationality townships and towns is three years.”

中華人民共和國憲法修正案

(1999年3月15日第九屆全國人民代表大會第二次會議通過
1999年3月15日全國人民代表大會公告公布施行)

第十二條 憲法序言第七自然段：“中國新民主主義革命的勝利和社會主義事業的成就，都是中國共產黨領導中國各族人民，在馬克思列寧主義、毛澤東思想的指引下，堅持真理，修正錯誤，戰勝許多艱難險阻而取得的。我國正處於社會主義初級階段。國家的根本任務是，根據建設有中國特色社會主義的理論，集中力量進行社會主義現代化建設。中國各族人民將繼續在中國共產黨領導下，在馬克思列寧主義、毛澤東思想指引下，堅持人民民主專政，堅持社會主義道路，堅持改革開放，不斷完善社會主義的各項制度，發展社會主義民主，健全社會主義法制，自力更生，艱苦奮鬥，逐步實現工業、農業、國防和科學技術的現代化，把我國建設成為富強、民主、文明的社會主義國家。”修改為：“中國新民主主義革命的勝利和社會主義事業的成就，是中國共產黨領導中國各族人民，在馬克思列寧主義、毛澤東思想的指引下，堅持真理，修正錯誤，戰勝許多艱難險阻而取得的。我國將長期處於社會主義初級階段。國家的根本任務是，沿着建設有中國特色社會主義的道路，集中力量進行社會主義現代化建設。中國各族人民將繼續在中國共產黨領導下，在馬克思列寧主義、毛澤東思想、鄧小平理論指引下，堅持人民民主專政，堅持社會主義道路，堅持改革開放，不

AMENDMENT TO THE CONSTITUTION OF THE PEOPLE'S REPUBLIC OF CHINA*

(Adopted at the Second Session of the Ninth National
People's Congress on 15 March 1999
Promulgated for implementation by the Proclamation of the
National People's Congress on 15 March 1999)

Article 12 The seventh paragraph of the Preamble to the Constitution, which reads: “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. China is at the primary stage of socialism. The basic task of the nation is to concentrate its effort on socialist modernization in line with the theory of building socialism with Chinese characteristics. 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, persevere in reform and opening to the outside world, 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 that is prosperous, powerful, democratic and culturally advanced,” is revised as follows: “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. China will be at the primary stage of socialism for a long period of time. The basic task of the nation is to concentrate its effort on socialist modernization along the road to building socialism with Chinese characteristics. Under the leadership of the Communist Party of China and the guidance of Marxism-Leninism, Mao Zedong Thought and Deng Xiaoping Theory, the Chinese people of all nationalities will

* This English translation text is prepared by the Department of Justice, Government of the Hong Kong Special Administrative Region. It is for reference purposes and has no legislative effect.

斷完善社會主義的各項制度，發展社會主義市場經濟，發展社會主義民主，健全社會主義法制，自力更生，艱苦奮鬥，逐步實現工業、農業、國防和科學技術的現代化，把我國建設成為富強、民主、文明的社會主義國家。”

第十三條 憲法第五條增加一款，作為第一款，規定：“中華人民共和國實行依法治國，建設社會主義法治國家。”

第十四條 憲法第六條：“中華人民共和國的社會主義經濟制度的基礎是生產資料的社會主義公有制，即全民所有制和勞動群眾集體所有制。”“社會主義公有制消滅人剝削人的制度，實行各盡所能，按勞分配的原則。”修改為：“中華人民共和國的社會主義經濟制度的基礎是生產資料的社會主義公有制，即全民所有制和勞動群眾集體所有制。社會主義公有制消滅人剝削人的制度，實行各盡所能、按勞分配的原則。”“國家在社會主義初級階段，堅持公有制為主體、多種所有制經濟共同發展的基本經濟制度，堅持按勞分配為主體、多種分配方式并存的分配制度。”

第十五條 憲法第八條第一款：“農村中的家庭聯產承包為主的責任制和生產、共銷、信用、消費等各種形式的合作經濟，是社會主義勞動群眾集體所有制經濟。參加農村集體經濟組織的勞動者，有權在法律規定的範圍內經營自留地、自留山、家庭副業和飼養自留畜。”修改為：“農村集體經濟組織實行家庭承包經營為基礎、統分結

continue to adhere to the people's democratic dictatorship and the socialist road, persevere in reform and opening to the outside world, steadily improve socialist institutions, develop socialist market economy, 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 that is prosperous, powerful, democratic and culturally advanced.”

Article 13 A paragraph is added to Article 5 of the Constitution as the first paragraph, which provides that, “The People's Republic of China rules the country according to law and builds a socialist country ruled by law.”

Article 14 Article 6 of the Constitution, which reads, “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.” “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,’” is revised as, “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. 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.’” “At the primary stage of socialism, the state adheres to a basic economic system with public ownership as the principal part and the development of an economy of diverse forms of ownership side by side; and adheres to a distribution system that applies the principle of ‘to each according to his work’ as the principal part with the coexistence of diverse forms of distribution.”

Article 15 The first paragraph of Article 8 of the Constitution, which reads, “In rural areas the responsibility system, the main form of which is household contract that links remuneration to output, and other forms of cooperative economy, such as producers', supply and marketing, credit and consumers' co-operatives, belong to the sector of socialist economy under collective ownership by the working people. Working people who are members of rural economic collectives 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,” is revised as, “The rural economic collectives practise a two-tier operation system that is based on household contract and also combines both centralization and decentralization measures. In rural areas, various forms of cooperative economy, such as producers', supply and marketing, credit and consumers'

合的雙層經營體制。農村中的生產、供銷、信用、消費等各種形式的合作經濟，是社會主義勞動群眾集體所有制經濟。參加農村集體經濟組織的勞動者，有權在法律規定的範圍內經營自留地、自留山、家庭副業和飼養自留畜。”

第十六條 憲法第十一條：“在法律規定範圍內的城鄉勞動者個體經濟，是社會主義公有制經濟的補充。國家保護個體經濟的合法的權利和利益。”“國家通過行政管理，指導、幫助和監督個體經濟。”“國家允許私營經濟在法律規定的範圍內存在和發展。私營經濟是社會主義公有制經濟的補充。國家保護私營經濟的合法的權利和利益，對私營經濟實行引導、監督和管理。”修改為：“在法律規定範圍內的個體經濟、私營經濟等非公有制經濟，是社會主義市場經濟的重要組成部分。”“國家保護個體經濟、私營經濟的合法的權利和利益。國家對個體經濟、私營經濟實行引導、監督和管理。”

第十七條 憲法第二十八條：“國家維護社會秩序，鎮壓叛國和其他反革命的活動，制裁危害社會治安、破壞社會主義經濟和其他犯罪的活動，懲辦和改造犯罪分子。”修改為：“國家維護社會秩序，鎮壓叛國和其他危害國家安全的犯罪活動，制裁危害社會治安、破壞社會主義經濟和其他犯罪的活動，懲辦和改造犯罪分子。”

co-operatives, belong to the sector of socialist economy under collective ownership by the working people. Working people who are members of rural economic collectives 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.”

Article 16 Article 11 of the Constitution, which reads, “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.” “The state guides, assists and supervises the individual economy by administrative control.” “The state permits the private sector of the economy to exist and develop within the limits prescribed by law. The private sector of the economy is a complement to the socialist public economy. The state protects the lawful rights and interests of the private sector of the economy, and exercises guidance, supervision and control over the private sector of the economy,” is revised as: “The non-public economy of individual economy and the private sector of the economy etc., operating within the limits prescribed by law, is an important component of the socialist market economy.” “The state protects the lawful rights and interests of the individual economy and the private sector of the economy. The state exercises guidance, supervision and control over the individual economy and the private sector of the economy.”

Article 17 Article 28 of the Constitution, which reads, “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,” is revised as: “The state maintains public order and suppresses treasonable and other criminal activities that endanger national security; 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.”