

現刊登以下決定，以廣週知——

全國人民代表大會常務委員會關於
香港特別行政區 2007 年行政長官和 2008 年立法會
產生辦法有關問題的決定

2004 年 4 月 26 日第十屆全國人民代表大會
常務委員會第九次會議通過

第十屆全國人民代表大會常務委員會第九次會議審議了香港特別行政區行政長官董建華 2004 年 4 月 15 日提交的《關於香港特別行政區 2007 年行政長官和 2008 年立法會產生辦法是否需要修改的報告》，並在會前徵詢了香港特別行政區全國人大代表、全國政協委員和香港各界人士、全國人大常委會香港特別行政區基本法委員會香港委員、香港特別行政區政府政制發展專責小組的意見，同時徵求了國務院港澳事務辦公室的意見。全國人大常委會在審議中充分注意到近期香港社會對 2007 年以後行政長官和立法會的產生辦法的關注，其中包括一些團體和人士希望 2007 年行政長官和 2008 年立法會全部議員由普選產生的意見。

會議認為，《中華人民共和國香港特別行政區基本法》(以下簡稱香港基本法)第四十五條和第六十八條已明確規定，香港特別行政區行政長官和立法會的產生辦法應根

This is an English translation of the original instrument in Chinese and is published for information—

DECISION OF THE STANDING COMMITTEE
OF THE NATIONAL PEOPLE'S CONGRESS ON
ISSUES RELATING TO THE METHODS FOR
SELECTING THE CHIEF EXECUTIVE OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
IN THE YEAR 2007 AND FOR FORMING
THE LEGISLATIVE COUNCIL OF THE HONG KONG
SPECIAL ADMINISTRATIVE REGION IN THE YEAR 2008

Adopted by the Standing Committee of the
Tenth National People's Congress at its
Ninth Session on 26 April 2004

The Standing Committee of the Tenth National People's Congress examined at its Ninth Session the "Report on whether there is a need to amend the methods for selecting the Chief Executive of the Hong Kong Special Administrative Region in 2007 and for forming the Legislative Council of the Hong Kong Special Administrative Region in 2008" submitted by Tung Chee-hwa, the Chief Executive of the Hong Kong Special Administrative Region, on 15 April 2004 and, before the Session, had consulted the Hong Kong deputies to the National People's Congress, the Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference, different sectors of Hong Kong, the Hong Kong members of the Committee for the Basic Law of the Hong Kong Special Administrative Region under the Standing Committee of the National People's Congress, and the Constitutional Development Task Force of the Government of the Hong Kong Special Administrative Region, and had also sought the views of the Hong Kong and Macao Affairs Office of the State Council. The Standing Committee of the National People's Congress was, in the course of the examination, fully aware of the recent concerns of the Hong Kong society about the methods for selecting the Chief Executive and for forming the Legislative Council after the year 2007, including the views of some bodies and people that they wish to see the selection of the Chief Executive by universal suffrage in the year 2007 and the election of all the members of the Legislative Council by universal suffrage in the year 2008.

The Session is of the view that Articles 45 and 68 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (hereinafter referred to as "Hong Kong Basic Law") already expressly provide that the methods for selecting the Chief Executive of the Hong Kong Special

據香港特別行政區的實際情況和循序漸進的原則而規定，最終達至行政長官由一個有廣泛代表性的提名委員會按民主程序提名後普選產生，立法會全部議員由普選產生的目標。香港特別行政區行政長官和立法會的產生辦法應符合香港基本法的上述原則和規定。有關香港特別行政區行政長官和立法會產生辦法的任何改變，都應遵循與香港社會、經濟、政治的發展相協調，有利於社會各階層、各界別、各方面的均衡參與，有利於行政主導體制的有效運行，有利於保持香港的長期繁榮穩定等原則。

會議認為，香港特別行政區成立以來，香港居民所享有的民主權利是前所未有的。第一任行政長官由 400 人組成的推選委員會選舉產生，第二任行政長官由 800 人組成的選舉委員會選舉產生；立法會 60 名議員中分區直選產生的議員已由第一屆立法會的 20 名增加到第二屆立法會的 24 名，今年 9 月產生的第三屆立法會將達至 30 名。香港實行民主選舉的歷史不長，香港居民行使參與推選特別行政區行政長官的民主權利，至今不到 7 年。香港回歸祖國以來，立法會中分區直選議員的數量已有相當幅度的增加，在達至分區直選議員和功能團體選舉的議員各佔一半的格局後，對香港社會整體運作的影響，尤其是對行政主導體制的影響尚有待實踐檢驗。加之目前香港社會各界對於 2007 年以後行政長官和立法會的產生辦法如何確定仍存在較大分歧，尚未形成廣泛共識。在此情況下，實現香港基本法第四十五條規定的行政長官由一個

Administrative Region and for forming the Legislative Council of the Hong Kong Special Administrative Region 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, and that the ultimate aims are the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures and the election of all the members of the Legislative Council by universal suffrage. The methods for selecting the Chief Executive of the Hong Kong Special Administrative Region and for forming the Legislative Council of the Hong Kong Special Administrative Region shall conform to the above principles and provisions of the Hong Kong Basic Law. Any change relating to the methods for selecting the Chief Executive of the Hong Kong Special Administrative Region and for forming the Legislative Council of the Hong Kong Special Administrative Region shall conform to principles such as being compatible with the social, economic, political development of Hong Kong, being conducive to the balanced participation of all sectors and groups of the society, being conducive to the effective operation of the executive-led system, being conducive to the maintenance of the long-term prosperity and stability of Hong Kong.

The Session is of the view that since the establishment of the Hong Kong Special Administrative Region, Hong Kong residents have enjoyed democratic rights that they have never had before. The first Chief Executive was elected by the Selection Committee, which was composed of 400 members. The second Chief Executive was elected by the Election Committee, which was composed of 800 members. Out of the 60 members of the Legislative Council, the number of members returned by geographical constituencies through direct elections increased from 20 in the Legislative Council in the first term to 24 in the Legislative Council in the second term and will reach 30 in the Legislative Council in the third term to be formed this September. Hong Kong does not have a long history of practising democratic elections. Until now, Hong Kong residents have exercised the democratic right to participate in the selection of the Chief Executive of the Special Administrative Region for less than 7 years. Since the reunification of Hong Kong with the motherland, the number of members of the Legislative Council returned by geographical constituencies through direct elections has already substantially increased. When the set-up is such that half of the members are returned by geographical constituencies through direct elections and half of the members are returned by functional constituencies, the impact on the operation of the Hong Kong society as a whole, especially the impact on the executive-led system, remains to be examined through practice. Further, at present, different sectors of the Hong Kong society still have considerable differences on how to determine the methods for selecting the Chief Executive and for forming the Legislative

有廣泛代表性的提名委員會按民主程序提名後普選產生和香港基本法第六十八條規定的立法會全部議員由普選產生的條件還不具備。

鑑此，全國人大常委會依據香港基本法的有關規定和《全國人民代表大會常務委員會關於〈中華人民共和國香港特別行政區基本法〉附件一第七條和附件二第三條的解釋》，對香港特別行政區 2007 年行政長官和 2008 年立法會的產生辦法決定如下：

一、2007 年香港特別行政區第三任行政長官的選舉，不實行由普選產生的辦法。2008 年香港特別行政區第四屆立法會的選舉，不實行全部議員由普選產生的辦法，功能團體和分區直選產生的議員各佔半數的比例維持不變，立法會對法案、議案的表決程序維持不變。

二、在不違反本決定第一條的前提下，2007 年香港特別行政區第三任行政長官的具體產生辦法和 2008 年香港特別行政區第四屆立法會的具體產生辦法，可按照香港基本法第四十五條、第六十八條的規定和附件一第七條、附件二第三條的規定作出符合循序漸進原則的適當修改。

會議認為，按照香港基本法的規定，在香港特別行政區根據實際情況，循序漸進地發展民主，是中央堅定不移的一貫立場。隨着香港社會各方面的發展和進步，經過香港特別行政區政府和香港居民的共同努力，香港特別行政區的民主制度一定能夠不

Council after the year 2007 and have not come to a broad consensus. In the circumstances, conditions do not exist for the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures as provided for in Article 45 of the Hong Kong Basic Law and the election of all the members of the Legislative Council by universal suffrage as provided for in Article 68 of the Hong Kong Basic Law.

In the light of the above and pursuant to the relevant provisions of the Hong Kong Basic Law and “The Interpretation by the Standing Committee of the National People’s Congress of Article 7 of Annex I and Article III of Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China”, the Standing Committee of the National People’s Congress makes the following decision on the methods for selecting the Chief Executive of the Hong Kong Special Administrative Region in the year 2007 and for forming the Legislative Council of the Hong Kong Special Administrative Region in the year 2008:

1. The election of the third Chief Executive of the Hong Kong Special Administrative Region to be held in the year 2007 shall not be by means of universal suffrage. The election of the Legislative Council of the Hong Kong Special Administrative Region in the fourth term in the year 2008 shall not be by means of an election of all the members by universal suffrage. The ratio between members returned by functional constituencies and members returned by geographical constituencies through direct elections, who shall respectively occupy half of the seats, is to remain unchanged. The procedures for voting on bills and motions in the Legislative Council are to remain unchanged.

2. Subject to Article 1 of this Decision not being contravened, appropriate amendments that conform to the principle of gradual and orderly progress may be made to the specific method for selecting the third Chief Executive of the Hong Kong Special Administrative Region in the year 2007 and the specific method for forming the Legislative Council of the Hong Kong Special Administrative Region in the fourth term in the year 2008 according to the provisions of Articles 45 and 68 of the Hong Kong Basic Law and the provisions of Article 7 of Annex I and Article III of Annex II to the Hong Kong Basic Law.

The Session is of the view that developing democracy in the Hong Kong Special Administrative Region in the light of the actual situation and in a gradual and orderly manner according to the provisions of the Hong Kong Basic Law has all along been the resolute and firm stance of the Central Authorities. With the development and progress in all aspects of the Hong Kong society and through the joint endeavours of the Government of the Hong Kong Special Administrative Region and Hong Kong residents, the

斷地向前發展，最終達至香港基本法規定的行政長官由一個有廣泛代表性的提名委員會按民主程序提名後普選產生和立法會全部議員由普選產生的目標。

democratic system of the Hong Kong Special Administrative Region will certainly be able to progress forward incessantly, and ultimately attain the aims of selecting the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures and electing all the members of the Legislative Council by universal suffrage provided for in the Hong Kong Basic Law.