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Joint Declaration

of the Government of the United Kingdom of
Great Britain and Northern Ireland and the
Government of the People's Republic of China
on the Question of Hong Kong
with Annexes

Beijing, 19 December 1984

[Instruments of ratification were exchanged on 27 May 1985 and the Joint
Declaration and Annexes entered into force on that date]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
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**JOINT DECLARATION
OF THE GOVERNMENT OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND
AND
THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA
ON THE QUESTION OF HONG KONG**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China have reviewed with satisfaction the friendly relations existing between the two Governments and peoples in recent years and agreed that a proper negotiated settlement of the question of Hong Kong, which is left over from the past, is conducive to the maintenance of the prosperity and stability of Hong Kong and to the further strengthening and development of the relations between the two countries on a new basis. To this end, they have, after talks between the delegations of the two Governments, agreed to declare as follows:

1. The Government of the People's Republic of China declares that to recover the Hong Kong area (including Hong Kong Island, Kowloon and the New Territories, hereinafter referred to as Hong Kong) is the common aspiration of the entire Chinese people, and that it has decided to resume the exercise of sovereignty over Hong Kong with effect from 1 July 1997.

2. The Government of the United Kingdom declares that it will restore Hong Kong to the People's Republic of China with effect from 1 July 1997.

3. The Government of the People's Republic of China declares that the basic policies of the People's Republic of China regarding Hong Kong are as follows:

- (1) Upholding national unity and territorial integrity and taking account of the history of Hong Kong and its realities, the People's Republic of China has decided to establish, in accordance with the provisions of Article 31 of the Constitution of the People's Republic of China, a Hong Kong Special Administrative Region upon resuming the exercise of sovereignty over Hong Kong.
- (2) The Hong Kong Special Administrative Region will be directly under the authority of the Central People's Government of the People's Republic of China. The Hong Kong Special Administrative Region will enjoy a high degree of autonomy, except in foreign and defence affairs which are the responsibilities of the Central People's Government.
- (3) The Hong Kong Special Administrative Region will be vested with executive, legislative and independent judicial power, including that of final adjudication. The laws currently in force in Hong Kong will remain basically unchanged.
- (4) The Government of the Hong Kong Special Administrative Region will be composed of local inhabitants. The chief executive will be

appointed by the Central People's Government on the basis of the results of elections or consultations to be held locally. Principal officials will be nominated by the chief executive of the Hong Kong Special Administrative Region for appointment by the Central People's Government. Chinese and foreign nationals previously working in the public and police services in the government departments of Hong Kong may remain in employment. British and other foreign nationals may also be employed to serve as advisers or hold certain public posts in government departments of the Hong Kong Special Administrative Region.

- (5) The current social and economic systems in Hong Kong will remain unchanged, and so will the life-style. Rights and freedoms, including those of the person, of speech, of the press, of assembly, of association, of travel, of movement, of correspondence, of strike, of choice of occupation, of academic research and of religious belief will be ensured by law in the Hong Kong Special Administrative Region. Private property, ownership of enterprises, legitimate right of inheritance and foreign investment will be protected by law.
- (6) The Hong Kong Special Administrative Region will retain the status of a free port and a separate customs territory.
- (7) The Hong Kong Special Administrative Region will retain the status of an international financial centre, and its markets for foreign exchange, gold, securities and futures will continue. There will be free flow of capital. The Hong Kong dollar will continue to circulate and remain freely convertible.
- (8) The Hong Kong Special Administrative Region will have independent finances. The Central People's Government will not levy taxes on the Hong Kong Special Administrative Region.
- (9) The Hong Kong Special Administrative Region may establish mutually beneficial economic relations with the United Kingdom and other countries, whose economic interests in Hong Kong will be given due regard.
- (10) Using the name of "Hong Kong, China", the Hong Kong Special Administrative Region may on its own maintain and develop economic and cultural relations and conclude relevant agreements with states, regions and relevant international organisations.

The Government of the Hong Kong Special Administrative Region may on its own issue travel documents for entry into and exit from Hong Kong.

- (11) The maintenance of public order in the Hong Kong Special Administrative Region will be the responsibility of the Government of the Hong Kong Special Administrative Region.
- (12) The above-stated basic policies of the People's Republic of China regarding Hong Kong and the elaboration of them in Annex I to this Joint Declaration will be stipulated, in a Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, by the National People's Congress of the People's Republic of China, and they will remain unchanged for 50 years.

4. The Government of the United Kingdom and the Government of the People's Republic of China declare that, during the transitional period between the date of the entry into force of this Joint Declaration and 30 June 1997, the Government of the United Kingdom will be responsible for the administration of Hong Kong with the object of maintaining and preserving its economic prosperity and social stability; and that the Government of the People's Republic of China will give its co-operation in this connection.

5. The Government of the United Kingdom and the Government of the People's Republic of China declare that, in order to ensure a smooth transfer of government in 1997, and with a view to the effective implementation of this Joint Declaration, a Sino-British Joint Liaison Group will be set up when this Joint Declaration enters into force; and that it will be established and will function in accordance with the provisions of Annex II to this Joint Declaration.

6. The Government of the United Kingdom and the Government of the People's Republic of China declare that land leases in Hong Kong and other related matters will be dealt with in accordance with the provisions of Annex III to this Joint Declaration.

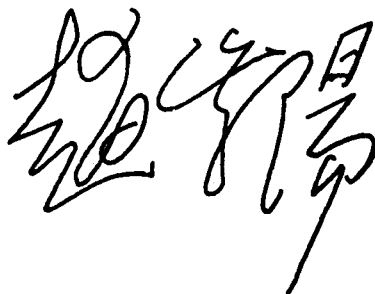
7. The Government of the United Kingdom and the Government of the People's Republic of China agree to implement the preceding declarations and the Annexes to this Joint Declaration.

8. This Joint Declaration is subject to ratification and shall enter into force on the date of the exchange of instruments of ratification¹, which shall take place in Beijing before 30 June 1985. This Joint Declaration and its Annexes shall be equally binding.

Done in duplicate at Beijing on 19 December 1984 in the English and Chinese languages, both texts being equally authentic.

For the Government of the United
Kingdom of Great Britain and
Northern Ireland

For the Government of the People's
Republic of China



[ZHAO ZIYANG]

¹ The Joint Declaration and Annexes entered into force on 27 May 1985.

ANNEX I

ELABORATION BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA OF ITS BASIC POLICIES REGARDING HONG KONG

The Government of the People's Republic of China elaborates the basic policies of the People's Republic of China regarding Hong Kong as set out in paragraph 3 of the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong as follows:

I

The Constitution of the People's Republic of China stipulates in Article 31 that "the state may establish special administrative regions when necessary. The systems to be instituted in special administrative regions shall be prescribed by laws enacted by the National People's Congress in the light of the specific conditions." In accordance with this Article, the People's Republic of China shall, upon the resumption of the exercise of sovereignty over Hong Kong on 1 July 1997, establish the Hong Kong Special Administrative Region of the People's Republic of China. The National People's Congress of the People's Republic of China shall enact and promulgate a Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (hereinafter referred to as the Basic Law) in accordance with the Constitution of the People's Republic of China, stipulating that after the establishment of the Hong Kong Special Administrative Region the socialist system and socialist policies shall not be practised in the Hong Kong Special Administrative Region and that Hong Kong's previous capitalist system and life-style shall remain unchanged for 50 years.

The Hong Kong Special Administrative region shall be directly under the authority of the Central People's Government of the People's Republic of China and shall enjoy a high degree of autonomy. Except for foreign and defence affairs which are the responsibilities of the Central People's Government, the Hong Kong Special Administrative Region shall be vested with executive, legislative and independent judicial power, including that of final adjudication. The Central People's Government shall authorise the Hong Kong Special Administrative Region to conduct on its own those external affairs specified in Section XI of this Annex.

The government and legislature of the Hong Kong Special Administrative Region shall be composed of local inhabitants. 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. Principal officials (equivalent to Secretaries) shall be nominated by the chief executive of the Hong Kong Special Administrative Region and appointed by the Central People's Government. The legislature of the Hong Kong Special Administrative Region shall be constituted by elections. The executive authorities shall abide by the law and shall be accountable to the legislature.

In addition to Chinese, English may also be used in organs of government and in the courts in the Hong Kong Special Administrative Region.

Apart from displaying the national flag and national emblem of the People's Republic of China, the Hong Kong Special Administrative Region may use a regional flag and emblem of its own.

II

After the establishment of the Hong Kong Special Administrative Region, the laws previously in force in Hong Kong (*i.e.* the common law, rules of equity, ordinances, subordinate legislation and customary law) shall be maintained, save for any that contravene the Basic Law and subject to any amendment by the Hong Kong Special Administrative Region legislature.

The legislative power of the Hong Kong Special Administrative Region shall be vested in the legislature of the Hong Kong Special Administrative Region. The legislature may on its own authority enact laws in accordance with the provisions of the Basic Law and legal procedures, and report them to the Standing Committee of the National People's Congress for the record. Laws enacted by the legislature which are in accordance with the Basic Law and legal procedures shall be regarded as valid.

The laws of the Hong Kong Special Administrative Region shall be the Basic Law, and the laws previously in force in Hong Kong and laws enacted by the Hong Kong Special Administrative Region legislature as above.

III

After the establishment of the Hong Kong Special Administrative Region, the judicial system previously practised in Hong Kong shall be maintained except for those changes consequent upon the vesting in the courts of the Hong Kong Special Administrative Region of the power of final adjudication.

Judicial power in the Hong Kong Special Administrative Region shall be vested in the courts of the Hong Kong Special Administrative Region. The courts shall exercise judicial power independently and free from any interference. Members of the judiciary shall be immune from legal action in respect of their judicial functions. The courts shall decide cases in accordance with the laws of the Hong Kong Special Administrative Region and may refer to precedents in other common law jurisdictions.

Judges of the Hong Kong Special Administrative Region courts shall be appointed by the chief executive of the Hong Kong Special Administrative Region acting in accordance with the recommendation of an independent commission composed of local judges, persons from the legal profession and other eminent persons. Judges shall be chosen by reference to their judicial qualities and may be recruited from other common law jurisdictions. A judge may only be removed for inability to discharge the functions of his office, or for misbehaviour, by the chief executive of the Hong Kong Special

Administrative Region acting in accordance with the recommendation of a tribunal appointed by the chief judge of the court of final appeal, consisting of not fewer than three local judges. Additionally, the appointment or removal of principal judges (*i.e.* those of the highest rank) shall be made by the chief executive with the endorsement of the Hong Kong Special Administrative Region legislature and reported to the Standing Committee of the National People's Congress for the record. The system of appointment and removal of judicial officers other than judges shall be maintained.

The power of final judgment of the Hong Kong Special Administrative Region shall be vested in the court of final appeal in the Hong Kong Special Administrative Region, which may as required invite judges from other common law jurisdictions to sit on the court of final appeal.

A prosecuting authority of the Hong Kong Special Administrative Region shall control criminal prosecutions free from any interference.

On the basis of the system previously operating in Hong Kong, the Hong Kong Special Administrative Region Government shall on its own make provision for local lawyers and lawyers from outside the Hong Kong Special Administrative Region to work and practise in the Hong Kong Special Administrative Region.

The Central People's Government shall assist or authorise the Hong Kong Special Administrative Region Government to make appropriate arrangements for reciprocal juridical assistance with foreign states.

IV

After the establishment of the Hong Kong Special Administrative Region, public servants previously serving in Hong Kong in all government departments, including the police department, and members of the judiciary may all remain in employment and continue their service with pay, allowances, benefits and conditions of service no less favourable than before. The Hong Kong Special Administrative Region Government shall pay to such persons who retire or complete their contracts, as well as to those who have retired before 1 July 1997, or to their dependants, all pensions, gratuities, allowances and benefits due to them on terms no less favourable than before, and irrespective of their nationality or place of residence.

The Hong Kong Special Administrative Region Government may employ British and other foreign nationals previously serving in the public service in Hong Kong, and may recruit British and other foreign nationals holding permanent identity cards of the Hong Kong Special Administrative Region to serve as public servants at all levels, except as heads of major government departments (corresponding to branches or departments at Secretary level) including the police department, and as deputy heads of some of those departments. The Hong Kong Special Administrative Region Government may also employ British and other foreign nationals as advisers to government departments and, when there is a need, may recruit qualified candidates from outside the Hong Kong Special Administrative Region to professional and technical posts in government departments. The above shall

be employed only in their individual capacities and, like other public servants, shall be responsible to the Hong Kong Special Administrative Region Government.

The appointment and promotion of public servants shall be on the basis of 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 appointment, pay and conditions of service) shall, save for any provisions providing privileged treatment for foreign nationals, be maintained.

V

The Hong Kong Special Administrative Region shall deal on its own with financial matters, including disposing of its financial resources and drawing up its budgets and its final accounts. The Hong Kong Special Administrative Region shall report its budgets and final accounts to the Central People's Government for the record.

The Central People's Government shall not levy taxes on the Hong Kong Special Administrative Region. 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. The systems by which taxation and public expenditure must be approved by the legislature, and by which there is accountability to the legislature for all public expenditure, and the system for auditing public accounts shall be maintained.

VI

The Hong Kong Special Administrative Region shall maintain the capitalist economic and trade systems previously practised in Hong Kong. The Hong Kong Special Administrative Region Government shall decide its economic and trade policies on its own. Rights concerning the ownership of property, including those relating to acquisition, use, disposal, inheritance and compensation for lawful deprivation (corresponding to the real value of the property concerned, freely convertible and paid without undue delay) shall continue to be protected by law.

The Hong Kong Special Administrative Region shall retain the status of a free port and continue a free trade policy, including the free movement of goods and capital. The Hong Kong Special Administrative Region may on its own maintain and develop economic and trade relations with all states and regions.

The Hong Kong Special Administrative Region shall be a separate customs territory. It may participate in relevant international organisations and international trade agreements (including preferential trade arrangements), such as the General Agreement on Tariffs and Trade³ and arrangements regarding international trade in textiles. Export quotas, tariff

³ Basic Instruments and Selected Documents, General Agreement on Tariffs and Trade, Volume IV, Text of the General Agreement. (Sales No. GATT/1969-1, available through Agency Section, Her Majesty's Stationery Office, PO Box 276, London SW8 5DT.

preferences and other similar arrangements obtained by the Hong Kong Special Administrative Region shall be enjoyed exclusively by the Hong Kong Special Administrative Region. The Hong Kong Special Administrative Region shall have authority to issue its own certificates of origin for products manufactured locally, in accordance with prevailing rules of origin.

The Hong Kong Special Administrative Region may, as necessary, establish official and semi-official economic and trade missions in foreign countries, reporting the establishment of such missions to the Central People's Government for the record.

VII

The Hong Kong Special Administrative Region shall retain the status of an international financial centre. The monetary and financial systems previously practised in Hong Kong, including the systems of regulation and supervision of deposit taking institutions and financial markets, shall be maintained.

The Hong Kong Special Administrative Region Government may decide its monetary and financial policies on its own. It shall safeguard the free operation of financial business and the free flow of capital within, into and out of the Hong Kong Special Administrative Region. No exchange control policy shall be applied in the Hong Kong Special Administrative Region. Markets for foreign exchange, gold, securities and futures shall continue.

The Hong Kong dollar, as the local legal tender, shall continue to circulate and remain freely convertible. The authority to issue Hong Kong currency shall be vested in the Hong Kong Special Administrative Region Government. The Hong Kong Special Administrative Region Government may authorise 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. Hong Kong currency bearing references inappropriate to the status of Hong Kong as a Special Administrative Region of the People's Republic of China shall be progressively replaced and withdrawn from circulation.

The Exchange Fund shall be managed and controlled by the Hong Kong Special Administrative Region Government, primarily for regulating the exchange value of the Hong Kong dollar.

VIII

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. The specific functions and responsibilities of the Hong Kong Special Administrative Region Government in the field of shipping shall be defined by the Hong Kong Special Administrative Region Government on its own. Private shipping businesses and shipping-related businesses and private container terminals in Hong Kong may continue to operate freely.

The Hong Kong Special Administrative Region shall be authorised by the Central People's Government to continue to maintain a shipping register and issue related certificates under its own legislation in the name of "Hong Kong, China".

With the exception of foreign warships, access for which requires the 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 Hong Kong Special Administrative Region.

IX

The Hong Kong Special Administrative Region shall maintain the status of Hong Kong as a centre of international and regional aviation. Airlines incorporated and having their principal place of business in Hong Kong and civil aviation related businesses may continue to operate. 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. 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 under the regional air navigation procedures of the International Civil Aviation Organisation.

The Central People's Government shall, in consultation with the Hong Kong Special Administrative Region Government, make arrangements providing for air services between the Hong Kong Special Administrative Region and other parts of the People's Republic of China for airlines incorporated and having their principal place of business in the Hong Kong Special Administrative Region and other airlines of the People's Republic of China. All Air Service Agreements providing for 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. For this purpose, 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 Hong Kong Special Administrative Region Government. Representatives of the Hong Kong Special Administrative Region Government may participate as members of delegations of the Government of the People's Republic of China in air service consultations with foreign governments concerning arrangements for such services.

Acting under specific authorisations from the Central People's Government, the Hong Kong Special Administrative Region Government may:

- renew or amend Air Service Agreements and arrangements previously in force; in principle, all such Agreements and arrangements may be renewed or amended with the rights contained in such previous Agreements and arrangements being as far as possible maintained;
- negotiate and conclude new Air Service Agreements providing routes for airlines incorporated and having their principal place of business in the Hong Kong Special Administrative Region and rights for over-flights and technical stops; and
- negotiate and conclude provisional arrangements where no Air Service Agreement with a foreign state or other region is in force.

All scheduled air services to, from or through the Hong Kong Special Administrative Region which do not operate to, from or through the mainland of China shall be regulated by Air Service Agreements or provisional arrangements referred to in this paragraph.

The Central People's Government shall give the Hong Kong Special Administrative Region Government the authority to:

- negotiate and conclude with other authorities all arrangements concerning the implementation of the above Air Service Agreements and provisional arrangements;
- issue licences to airlines incorporated and having their principal place of business in the Hong Kong Special Administrative Region;
- designate such airlines under the above Air Service Agreements and provisional arrangements; and
- issue permits to foreign airlines for services other than those to, from or through the mainland of China.

X

The Hong Kong Special Administrative Region shall maintain the educational system previously practised in Hong Kong. The Hong Kong Special Administrative Region Government shall on its own decide policies in the fields of culture, education, science and technology, 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 and technological qualifications. Institutions of all kinds, including those run by religious and community organisations, may retain their autonomy. They may continue to recruit staff and use teaching materials from outside the Hong Kong Special Administrative Region. Students shall enjoy freedom of choice of education and freedom to pursue their education outside the Hong Kong Special Administrative Region.

XI

Subject to the principle that foreign affairs are the responsibility of the Central People's Government, representatives of the Hong Kong Special Administrative Region Government may participate, as members of

delegations of the Government of the People's Republic of China, in negotiations at the diplomatic level directly affecting the Hong Kong Special Administrative Region conducted by the Central People's Government. 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 states, regions and relevant international organisations in the appropriate fields, including the economic, trade, financial and monetary, shipping, communications, touristic, cultural and sporting fields. Representatives of the Hong Kong Special Administrative Region Government may participate, as members of delegations of the Government of the People's Republic of China, in international organisations or conferences in appropriate fields limited to states and affecting the Hong Kong Special Administrative Region, or may attend in such other capacity as may be permitted by the Central People's Government and the organisation or conference concerned, and may express their views in the name of "Hong Kong, China". The Hong Kong Special Administrative Region may, using the name "Hong Kong, China", participate in international organisations and conferences not limited to states.

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 Hong Kong Special Administrative Region, and after seeking the views of the Hong Kong Special Administrative Region Government. International agreements to which the People's Republic of China is not a party but which are implemented in Hong Kong may remain implemented in the Hong Kong Special Administrative Region. The Central People's Government shall, as necessary, authorise or assist the Hong Kong Special Administrative Region Government to make appropriate arrangements for the application to the Hong Kong Special Administrative Region of other relevant international agreements. 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 organisations of which the People's Republic of China is a member and in which Hong Kong participates in one capacity or another. 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 organisations 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.

Foreign consular and other official or semi-official missions may be established in the Hong Kong Special Administrative Region with the approval of the Central People's Government. Consular and other official missions established in Hong Kong by states which have established formal diplomatic relations with the People's Republic of China, may be maintained. According to the circumstances of each case, consular and other official missions of states having no formal diplomatic relations with the People's Republic of China may either be maintained or changed to semi-official missions. States not recognised by the People's Republic of China can only establish non-governmental institutions.

The United Kingdom may establish a Consulate-General in the Hong Kong Special Administrative Region.

XII

The maintenance of public order in the Hong Kong Special Administrative Region shall be the responsibility of the Hong Kong Special Administrative Region Government. Military forces sent by the Central People's Government to be stationed in the Hong Kong Special Administrative Region for the purpose of defence shall not interfere in the internal affairs of the Hong Kong Special Administrative Region. Expenditure for these military forces shall be borne by the Central People's Government.

XIII

The Hong Kong Special Administrative Region Government shall protect the rights and freedoms of inhabitants and other persons in the Hong Kong Special Administrative Region according to law. The Hong Kong Special Administrative Region Government shall maintain the rights and freedoms as provided for by the laws previously in force in Hong Kong, including freedom of the person, of speech, of the press, of assembly, of association, to form and join trade unions, of correspondence, of travel, of movement, of strike, of demonstration, of choice of occupation, of academic research, of belief, inviolability of the home, the freedom to marry and the right to raise a family freely.

Every person shall have the right to confidential legal advice, access to the courts, representation in the courts by lawyers of his choice, and to obtain judicial remedies. Every person shall have the right to challenge the actions of the executive in the courts.

Religious organisations and believers may maintain their relations with religious organisations and believers elsewhere, and schools, hospitals and welfare institutions run by religious organisations may be continued. The relationship between religious organisations in the Hong Kong Special Administrative Region and those in other parts of the People's Republic of China shall be based on the principles of non-subordination, non-interference and mutual respect.

The provisions of the International Covenant on Civil and Political Rights³ and the International Covenant on Economic, Social and Cultural Rights⁴ as applied to Hong Kong shall remain in force.

XIV

The following categories of persons shall have the right of abode in the Hong Kong Special Administrative Region, and, in accordance with the law of the Hong Kong Special Administrative Region, be qualified to obtain permanent identity cards issued by the Hong Kong Special Administrative Region Government, which state their right of abode:

³ Treaty Series No. 6 (1977), Cmnd 6702.

- all Chinese nationals who were born or who have ordinarily resided in Hong Kong before or after the establishment of the Hong Kong Special Administrative Region for a continuous period of 7 years or more, and persons of Chinese nationality born outside Hong Kong of such Chinese nationals;
- all other persons who have ordinarily resided in Hong Kong before or after the establishment of the Hong Kong Special Administrative Region for a continuous period of 7 years or more and who have taken Hong Kong as their place of permanent residence before or after the establishment of the Hong Kong Special Administrative Region, and perhaps under 21 years of age who were born of such persons in Hong Kong before or after the establishment of the Hong Kong Special Administrative Region;
- any other persons who had the right of abode only in Hong Kong before the establishment of the Hong Kong Special Administrative Region.

The Central People's Government shall authorise the Hong Kong Special Administrative Region Government to issue, in accordance with the law, passports of the Hong Kong Special Administrative Region of the People's Republic of China to all Chinese nationals who hold permanent identity cards of the Hong Kong Special Administrative 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 Hong Kong Special Administrative Region. The above passports and documents shall be valid for all states and regions and shall record the holder's right to return to the Hong Kong Special Administrative Region.

For the purpose of travelling to and from the Hong Kong Special Administrative Region, residents of the Hong Kong Special Administrative Region may use travel documents issued by the Hong Kong Special Administrative Region Government, or by other competent authorities of the People's Republic of China, or of other states. Holders of permanent identity cards of the Hong Kong Special Administrative Region may have this fact stated in their travel documents as evidence that the holders have the right of abode in the Hong Kong Special Administrative Region.

Entry into the Hong Kong Special Administrative Region of persons from other parts of China shall continue to be regulated in accordance with the present practice.

The Hong Kong Special Administrative Region Government may apply immigration controls on entry, stay in and departure from the Hong Kong Special Administrative Region by persons from foreign states and regions.

Unless restrained by law, holders of valid travel documents shall be free to leave the Hong Kong Special Administrative Region without special authorisation.

The Central People's Government shall assist or authorise the Hong Kong Special Administrative Region Government to conclude visa abolition agreements with states or regions.

ANNEX II

SINO-BRITISH JOINT LIAISON GROUP

1. In furtherance of their common aim and in order to ensure a smooth transfer of government in 1997, the Government of the United Kingdom and the Government of the People's Republic of China have agreed to continue their discussions in a friendly spirit and to develop the co-operative relationship which already exists between the two Governments over Hong Kong with a view to the effective implementation of the Joint Declaration.

2. In order to meet the requirements for liaison, consultation and the exchange of information, the two Governments have agreed to set up a Joint Liaison Group.

3. The functions of the Joint Liaison Group shall be:

- (a) to conduct consultations on the implementation of the Joint Declaration;
- (b) to discuss matters relating to the smooth transfer of government in 1997;
- (c) to exchange information and conduct consultations on such subjects as may be agreed by the two sides.

Matters on which there is disagreement in the Joint Liaison Group shall be referred to the two Governments for solution through consultations.

4. Matters for consideration during the first half of the period between the establishment of the Joint Liaison Group and 1 July 1997 shall include:

- (a) action to be taken by the two Governments to enable the Hong Kong Special Administrative Region to maintain its economic relations as a separate customs territory, and in particular to ensure the maintenance of Hong Kong's participation in the General Agreement on Tariffs and Trade, the Multifibre Arrangement and other international arrangements; and
- (b) action to be taken by the two Governments to ensure the continued application of international rights and obligations affecting Hong Kong.

5. The two Governments have agreed that in the second half of the period between the establishment of the Joint Liaison Group and 1 July 1997 there will be need for closer co-operation, which will therefore be intensified during that period. Matters for consideration during this second period shall include:

- (a) procedures to be adopted for the smooth transition in 1997;
- (b) action to assist the Hong Kong Special Administrative Region to maintain and develop economic and cultural relations and conclude agreements on these matters with states, regions and relevant international organisations.

6. The Joint Liaison Group shall be an organ for liaison and not an organ of power. It shall play no part in the administration of Hong Kong or the Hong Kong Special Administrative Region. Nor shall it have any

supervisory rôle over that administration. The members and supporting staff of the Joint Liaison Group shall only conduct activities with the scope of the functions of the Joint Liaison Group.

7. Each side shall designate a senior representative, who shall be of Ambassadorial rank, and four other members of the group. Each side may send up to 20 supporting staff.

8. The Joint Liaison Group shall be established on the entry into force of the Joint Declaration. From 1 July 1988 the Joint Liaison Group shall have its principal base in Hong Kong. The Joint Liaison Group shall continue its work until 1 January 2000.

9. The Joint Liaison Group shall meet in Beijing, London and Hong Kong. It shall meet at least once in each of the three locations in each year. The venue for each meeting shall be agreed between the two sides.

10. Members of the Joint Liaison Group shall enjoy diplomatic privileges and immunities as appropriate when in the three locations. Proceedings of the Joint Liaison Group shall remain confidential unless otherwise agreed between the two sides.

11. The Joint Liaison Group may by agreement between the two sides decide to set up specialist sub-groups to deal with particular subjects requiring expert assistance.

12. Meetings of the Joint Liaison Group and sub-groups may be attended by experts other than the members of the Joint Liaison Group. Each side shall determine the composition of its delegation to particular meetings of the Joint Liaison Group or sub-group in accordance with the subjects to be discussed and the venue chosen.

13. The working procedures of the Joint Liaison Group shall be discussed and decided upon by the two sides within the guidelines laid down in this Annex.

ANNEX III

LAND LEASES

The Government of the United Kingdom and the Government of the People's Republic of China have agreed that, with effect from the entry into force of the Joint Declaration, land leases in Hong Kong and other related matters shall be dealt with in accordance with the following provisions:

1. All leases of land granted or decided upon before the entry into force of the Joint Declaration and those granted thereafter in accordance with paragraph 2 or 3 of this Annex, and which extend beyond 30 June 1997, and all rights in relation to such leases shall continue to be recognised and protected under the law of the Hong Kong Special Administrative Region.

2. All leases of land granted by the British Hong Kong Government not containing a right of renewal that expire before 30 June 1997, except short term tenancies and leases for special purposes, may be extended if the lessee so wishes for a period expiring not later than 30 June 2047 without payment of an additional premium. An annual rent shall be charged from the date of extension 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. 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, the property is granted to, a person descended through the male line from a person who was in 1898 a resident of an established village in Hong Kong, the rent shall remain unchanged so long as the property is held by that person or by one of his lawful successors in the male line. Where leases of land not having a right of renewal expire after 30 June 1997, they shall be dealt with in accordance with the relevant land laws and policies of the Hong Kong Special Administrative Region.

3. From the entry into force of the Joint Declaration until 30 June 1997, new leases of land may be granted by the British Hong Kong Government for terms expiring not later than 30 June 2047. Such leases shall be granted at a premium and nominal rental until 30 June 1997, after which date they shall not require payment of an additional premium but an annual rent equivalent to 3 per cent of the rateable value of the property at that date, adjusted in step with changes in the rateable value thereafter, shall be charged.

4. The total amount of new land to be granted under paragraph 3 of this Annex shall be limited to 50 hectares a year (excluding land to be granted to the Hong Kong Housing Authority for public rental housing) from the entry into force of the Joint Declaration until 30 June 1997.

5. Modifications of the conditions specified in leases granted by the British Hong Kong Government may continue to be granted before 1 July 1997 at a premium equivalent to the difference between the value of the land under the previous conditions and its value under the modified conditions.

6. From the entry into force of the Joint Declaration until 30 June 1997, premium income obtained by the British Hong Kong Government from land transactions shall, after deduction of the average cost of land production, be shared equally between the British Hong Kong Government and the future Hong Kong Special Administrative Region Government. All the income obtained by the British Hong Kong Government, including the amount of the above mentioned deduction, shall be put into the Capital Works Reserve Fund for the financing of land development and public works in Hong Kong. The Hong Kong Special Administrative Region Government's share of the premium income shall be deposited in banks incorporated in Hong Kong and shall not be drawn on except for the financing of land development and public works in Hong Kong in accordance with the provisions of paragraph 7(d) of this Annex.

7. A Land Commission shall be established in Hong Kong immediately upon the entry into force of the Joint Declaration. The Land Commission shall be composed of an equal number of officials designated respectively by the Government of the United Kingdom and the Government of the People's Republic of China together with necessary supporting staff. The officials of the two sides shall be responsible to their respective governments. The Land Commission shall be dissolved on 30 June 1997.

The terms of reference of the Land Commission shall be :

- (a) to conduct consultations on the implementation of this Annex;
- (b) to monitor observance of the limit specified in paragraph 4 of this Annex, the amount of land granted to the Hong Kong Housing Authority for public rental housing, and the division and use of premium income referred to in paragraph 6 of this Annex;
- (c) to consider and decide on proposals from the British Hong Kong Government for increasing the limit referred to in paragraph 4 of this Annex;
- (d) to examine proposals for drawing on the Hong Kong Special Administrative Region Government's share of premium income referred to in paragraph 6 of this Annex and to make recommendations to the Chinese side for decision.

Matters on which there is disagreement in the Land Commission shall be referred to the Government of the United Kingdom and the Government of the People's Republic of China for decision.

8. Specific details regarding the establishment of the Land Commission shall be finalised separately by the two sides through consultations.

中华人民共和国政府和大不列颠及 北爱尔兰联合王国政府关于香港 问题的联合声明

中华人民共和国政府和大不列颠及北爱尔兰联合王国政府满意地回顾了近年来两国政府和两国人民之间的友好关系，一致认为通过协商妥善地解决历史上遗留下来的香港问题，有助于维持香港的繁荣与稳定，并有助于两国关系在新的基础上进一步巩固和发展，为此，经过两国政府代表团的会谈，同意声明如下：

一、中华人民共和国政府声明：收回香港地区（包括香港岛、九龙和“新界”，以下称香港）是全中国人民的共同愿望，中华人民共和国政府决定于一九九七年七月一日对香港恢复行使主权。

二、联合王国政府声明：联合王国政府于一九九七年七月一日将香港交还给中华人民共和国。

三、中华人民共和国政府声明，中华人民共和国对香港的基本方针政策如下：

(一)为了维护国家的统一和领土完整，并考虑到香港的历史和现实情况，中华人民共和国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。

(二)香港特别行政区直辖于中华人民共和国中央人民政府。除外交和国防事务属中央人民政府管理外，香港特别行政区享有高度的自治权。

(三)香港特别行政区享有行政管理权、立法权、独立的司法权和终审权。现行的法律基本不变。

(四)香港特别行政区政府由当地人组成。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。主要官员由香港特别行政区行政长官提名，报中央人民政府任命。原在香港各政府部门任职的中外籍公务、警务人员可以留用。香港特别行政区各政府部门可以聘请英籍人士或其他外籍人士担任顾问或某些公职。

(五)香港的现行社会、经济制度不变；生活方式不变。香港特别行政区依法保障人身、言论、出版、集会、结社、旅行、迁徙、通信、罢工、选择职业和学术研究以及宗教信仰等各项权利和自由。私人财产、企业所有权、合法继承权以及外来投资均受法律保护。

(六)香港特别行政区将保持自由港和独立关税地区的地位。

(七)香港特别行政区将保持国际金融中心的地位，继续开放外汇、黄金、证券、期货等市场，资金进出自由。港币继续流通，自由兑换。

(八)香港特别行政区将保持财政独立。中央人民政府不向香港特别行政区征税。

(九)香港特别行政区可同联合王国和其他国家建立互利的经济关系。联合王国和其他国家在香港的经济利益将得到照顾。

(十)香港特别行政区可以“中国香港”的名义单独地同各国、各地区及有关国际组织保持和发展经济、文化关系，并签订有关协定。

香港特别行政区政府可自行签发出入香港的旅行证件。

(十一)香港特别行政区的社会治安由香港特别行政区政府负责维持。

(十二)关于中华人民共和国对香港的上述基本方针政策和本联合声明附件一对上述基本方针政策的具体说明，中华人民共和国全国人民代表大会将以中华人

民共和国香港特别行政区基本法规定之，并在五十年内不变。

四、中华人民共和国政府和联合王国政府声明：自本联合声明生效之日起至一九九七年六月三十日止的过渡时期内，联合王国政府负责香港的行政管理，以维护和保持香港的经济繁荣和社会稳定；对此，中华人民共和国政府将给予合作。

五、中华人民共和国政府和联合王国政府声明：为求本联合声明得以有效执行，并保证一九九七年政权的顺利交接，在本联合声明生效时成立中英联合联络小组；联合联络小组将根据本联合声明附件二的规定建立和履行职责。

六、中华人民共和国政府和联合王国政府声明：关于香港土地契约和其他有关事项，将根据本联合声明附件三的规定处理。

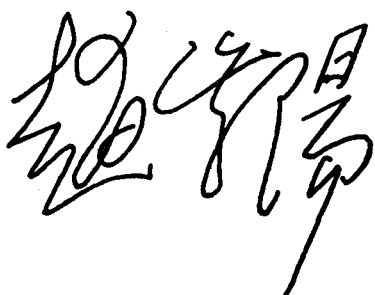
七、中华人民共和国政府和联合王国政府同意，上述各项声明和本联合声明的附件均将付诸实施。

八、本联合声明须经批准，并自互换批准书之日起生效。批准书应于一九八五年六月三十日前在北京互换。本联合声明及其附件具有同等约束力。

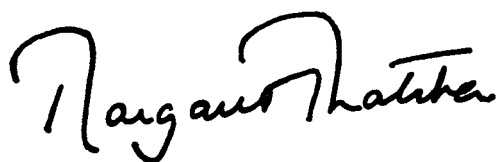
一九八四年十二月十九日在北京签订，共两份，每份都用中文和英文写成，两种文本具有同等效力。

中华人民共和国政府
代 表

大不列颠及北爱尔兰
联合王国政府代表



[ZHAO ZIYANG]



中华人民共和国政府对香港的 基本方针政策的具体说明

中华人民共和国政府就中华人民共和国政府和大不列颠及北爱尔兰联合王国政府关于香港问题的联合声明第三款所载中华人民共和国对香港的基本方针政策，具体说明如下：

一

中华人民共和国宪法第三十一条规定：“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。”据此，中华人民共和国将在一九九七年七月一日对香港恢复行使主权时，设立中华人民共和国香港特别行政区。中华人民共和国全国人民代表大会将根据中华人民共和国宪法制定并颁布中华人民共和国香港特别行政区基本法（以下简称《基本法》），规定香港特别行政区成立后不实行社会主义的制度和政策，保持香港原有的资本主义制度和生活方式，五十年不

变。

香港特别行政区直辖于中华人民共和国中央人民政府，并享有高度的自治权。除外交和国防事务属中央人民政府管理外，香港特别行政区享有行政管理权、立法权、独立的司法权和终审权。中央人民政府授权香港特别行政区自行处理本附件第十一节所规定的各项涉外事务。

香港特别行政区政府和立法机关由当地人组成。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。香港特别行政区政府的主要官员（相当于“司”级官员）由香港特别行政区行政长官提名，报请中央人民政府任命。香港特别行政区立法机关由选举产生。行政机关必须遵守法律，对立法机关负责。

香港特别行政区的政府机关和法院，除使用中文外，还可使用英文。

香港特别行政区除悬挂中华人民共和国国旗和国徽外，还可以使用区旗和区徽。

二

香港特别行政区成立后，香港原有法律（即普通法及衡平法、条例、附属立法、习惯法）除与《基本法》相抵触

或香港特别行政区的立法机关作出修改者外，予以保留。

香港特别行政区的立法权属于香港特别行政区立法机关。立法机关可根据《基本法》的规定并依照法定程序制定法律，报中华人民共和国全国人民代表大会常务委员会备案。立法机关制定的法律凡符合《基本法》和法定程序者，均属有效。

在香港特别行政区实行的法律为《基本法》，以及上述香港原有法律和香港特别行政区立法机关制定的法律。

三

香港特别行政区成立后，除因香港特别行政区法院享有终审权而产生的变化外，原在香港实行的司法体制予以保留。

香港特别行政区的审判权属于香港特别行政区法院。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。法院依照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。

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的推荐，由行政长官予以任命。法官应根据本人的司法才能选用，并可从其他

普通法适用地区聘用。法官只有在无力履行职责或行为不检的情况下，才能由行政长官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。主要法官(即最高一级法官)的任命和免职，还须由行政长官征得香港特别行政区立法机关的同意并报全国人民代表大会常务委员会备案。法官以外的其他司法人员的任免制度继续保持。

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。

香港特别行政区的检察机关主管刑事检察工作，不受任何干涉。

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。

中央人民政府将协助或授权香港特别行政区政府同外国就司法互助关系作出适当安排。

四

香港特别行政区成立后，原在香港各政府部门(包括

警察部门) 任职的公务人员和司法人员均可留用, 继续工作; 其薪金、津贴、福利待遇和服务条件不低于原来的标准。对退休或约满离职的人员, 包括一九九七年七月一日以前退休的人员, 不论其所属国籍或居住地点, 香港特别行政区政府将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、津贴及福利费。

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, 各主要政府部门(相当于“司”级部门, 包括警察部门) 的正职和某些主要政府部门的副职除外。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业和技术职务。上述人士只能以个人身份受聘, 并和其他公务人员一样对香港特别行政区政府负责。

公务人员应根据本人的资格、经验和才能予以任命和提升。香港原有关于公务人员的招聘、雇用、考核、纪律、培训和管理(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。

五

香港特别行政区自行管理财政事务，包括支配财政资源，编制财政预算和决算。香港特别行政区的预决算须报中央人民政府备案。

中央人民政府不向香港特别行政区征税。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。征税和公共开支经立法机关批准、公共开支向立法机关负责和公共账目的审计等制度，予以保留。

六

香港特别行政区保持原在香港实行的资本主义经济制度和贸易制度。香港特别行政区政府自行制定经济和贸易政策。财产所有权，包括财产的取得、使用、处置和继承的权利，以及依法征用财产得到补偿（补偿相当于该财产的实际价值、可自由兑换、不无故迟延支付）的权利，继续受法律保护。

香港特别行政区将保持自由港地位，并继续实行自由贸易政策，包括货物和资本的自由流动。香港特别行政区可单独同各国、各地区保持和发展经济和贸易关系。

香港特别行政区为单独的关税地区。香港特别行政区可参加关税和贸易总协定、关于国际纺织品贸易安排等有关的国际组织和国际贸易协定，包括优惠贸易安排。香港特别行政区取得的出口配额、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。香港特别行政区有权根据当时的产地规则，对在当地制造的产品签发产地来源证。

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，并报中央人民政府备案。

七

香港特别行政区将保持国际金融中心的地位。原在香港实行的货币金融制度，包括对接受存款机构和金融市场的管理和监督制度，予以保留。

香港特别行政区政府可自行制定货币金融政策，并保障金融企业的经营自由以及资金在香港特别行政区流动和进出香港特别行政区的自由。香港特别行政区不实行外汇管制政策。外汇、黄金、证券、期货市场继续开放。

港元作为当地的法定货币，继续流通，自由兑换。港币发行权属香港特别行政区政府。在确知港币的发行基础

是健全的以及有关发行的安排符合保持港币稳定的目的的情况下，香港特别行政区政府可授权指定银行根据法定权限发行或继续发行香港货币。凡所带标志与中华人民共和国香港特别行政区地位不符的香港货币，将逐步更换和退出流通。

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。

八

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体制。香港特别行政区政府可自行规定在航运方面的具体职能和责任。香港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。

香港特别行政区经中央人民政府授权继续进行船舶登记，并可根椐法律以“中国香港”名义颁发有关证件。

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。

九

香港特别行政区将保持香港作为国际和区域航空中心的地位。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。香港特别行政区继续沿用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。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，以及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。

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特别行政区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。凡涉及中华人民共和国其他地区与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与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。为此，中央人民政府将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。中央人民政府在同外国政府商谈有关此类航班的安排时，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成员参加。

经中央人民政府具体授权，香港特别行政区政府可以：对原有的民用航空运输协定和协议续签或修改，这些协定和协议原则上都可以续签或修改，原协定和协议规定的权利尽可能保留；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特别行政区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；在同外国和其它地区没有民用航空运输协定的情况下，谈判签订临时协议。凡不涉及往返、经停中国内地而只往返、经停香港特别行政区的定期航班，均由本段所述的民用航空运输协定或临时协议加以规定。

中央人民政府授权香港特别行政区政府：同其他当局商谈并签订有关执行上述民用航空运输协定和临时协议的各项安排；对在香港特别行政区注册并以香港特别行政区为主要营业地的航空公司签发执照；按照上述民用航空运输协定和临时协议指定航空公司；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。

十

香港特别行政区保持原在香港实行的教育制度。香港特别行政区政府自行制定有关文化、教育和科学技术方面的政策，包括教育体制及管理、教学语言、经费分配、考试制度、学位制度、承认学历及技术资格等政策。各类院校，包括宗教及社会团体所办院校，均可保留其自主性，并可继续从香港特别行政区以外招聘教职员，选用教材。学生享有选择院校和在香港特别行政区以外求学的自由。

十一

在外交事务属中央人民政府管理的原则下，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与香港特别行政区直接有关的外交谈判。香港特别行政区可以“中国香港”的名义，在经济、贸易、金融、航运、通讯、旅游、文化、体育等领域单独地同世界各国、各地区及有关国际组织保持和发展关系，并签订和履行有关协定。对以国家为单位参加的、与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的代表可作为中华人民

共和国政府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。对不以国家为单位参加的国际组织和国际会议，香港特别行政区可以“中国香港”的名义参加。

中华人民共和国缔结的国际协定，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。中华人民共和国尚未参加但已适用于香港的国际协定仍可继续适用。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，使其他有关的国际协定适用于香港特别行政区。对中华人民共和国已经参加而香港目前也以某种形式参加的国际组织，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。对中华人民共和国尚未参加而香港目前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。

外国在香港特别行政区设立领事机构或其他官方、半官方机构，须经中央人民政府批准。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；尚未同中华人民共和国建立正式外交关

系国家的领事机构和其他官方机构，可根据情况予以保留或改为半官方机构；尚未为中华人民共和国承认的国家，只能设立民间机构。

联合王国可在香港特别行政区设立总领事馆。

十二

香港特别行政区的社会治安由香港特别行政区政府负责维持。中央人民政府派驻香港特别行政区负责防务的部队不干预香港特别行政区的内部事务，驻军军费由中央人民政府负担。

十三

香港特别行政区政府依法保障香港特别行政区居民和其他人的权利和自由。香港特别行政区政府保持香港原有法律中所规定的权利和自由，包括人身、言论、出版、集会、结社、组织和参加工会、通信、旅行、迁徙、罢工、游行、选择职业、学术研究和信仰自由、住宅不受侵犯、婚姻自由以及自愿生育的权利。

任何人均有权得到秘密法律咨询、向法院提起诉讼、选择律师在法庭上为其代理以及获得司法补救。任何人均

有权对行政部门的行为向法院申诉。

宗教组织和教徒可同其他地方的宗教组织和教徒保持关系，宗教组织所办学校、医院、福利机构等均可继续存在。香港特别行政区的宗教组织与中华人民共和国其他地区宗教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。

《公民权利和政治权利国际公约》和《经济、社会与文化权利的国际公约》适用于香港的规定将继续有效。

十四

在香港特别行政区有居留权并有资格按香港特别行政区的法律获得香港特别行政区政府签发的载明此项权利的永久性居民身份证者为：在香港特别行政区成立以前或以后在当地出生或通常居住连续七年以上的中国公民及其在香港以外所生的中国籍子女；在香港特别行政区成立以前或以后在当地通常居住连续七年以上并以香港为永久居住地的其他人及其在香港特别行政区成立以前或以后在当地出生的未满二十一岁的子女；以及在香港特别行政区成立前只在香港有居留权的其他人。

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，并给在香港特别行政区的其他的合法居留者签发中华人民共和国香港特别行政区其他旅行证件。上述护照和证件，前往各国和各地区有效，并载明持有人有返回香港特别行政区的权利。

香港特别行政区居民出入当地，可使用香港特别行政区政府或中华人民共和国其他主管部门，或其他国家主管部门签发的旅行证件。凡持有香港特别行政区永久性居民身份证者，其旅行证件可载明此项事实，以证明其在香港特别行政区有居留权。

对中国其他地区的人进入香港特别行政区将按现在实行的办法管理。

对其他国家和地区的人入境、逗留和离境，香港特别行政区政府可实行出入境管制。

有效旅行证件持有人，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。

中央人民政府将协助或授权香港特别行政区政府同各国或各地区缔结互免签证协定。

附件二

关于中英联合联络小组

一、为促进双方共同目标，并为保证一九九七年政权的顺利交接，中华人民共和国政府和联合王国政府同意，继续以友好的精神进行讨论并促进两国政府在香港问题上已有的合作关系，以求《联合声明》得以有效执行。

二、为了进行联络、磋商及交换情况的需要，两国政府同意成立联合联络小组。

三、联合联络小组的职责为：

- (一)就《联合声明》的实施进行磋商；
- (二)讨论与一九九七年政权顺利交接有关的事宜；
- (三)就双方商定的事项交换情况并进行磋商。

联合联络小组未能取得一致意见的问题，提交两国政府通过协商解决。

四、在联合联络小组成立到一九九七年七月一日的前半段时期中审议的事项包括：

(一)两国政府为使香港特别行政区作为独立关税地区保持其经济关系，特别是为确保香港特别行政区继续参加

关税及贸易总协定、多种纤维协定及其他国际性安排所需采取的行动；

(二)两国政府为确保同香港有关的国际权利与义务继续适用所需采取的行动。

五、两国政府同意，在联合联络小组成立到一九九七年七月一日的后半段时期中，有必要进行更密切的合作，因此届时将加强合作。在此第二阶段时期中审议的事项包括：

(一)为一九九七年顺利过渡所要采取的措施；

(二)为协助香港特别行政区同各国、各地区及有关国际组织保持和发展经济、文化关系并就此类事项签订协议所需采取的行动。

六、联合联络小组是联络机构而不是权力机构，不参与香港或香港特别行政区的行政管理，也不对之起监督作用。联合联络小组的成员和工作人员只在联合联络小组职责范围内进行活动。

七、双方各指派一名大使级的首席代表和另外四名小组成员。每方可派不超过二十名的工作人员。

八、联合联络小组在《联合声明》生效时成立。联合联络小组自一九八八年七月一日起以香港为主要驻地。联合

联络小组将继续工作到二〇〇〇年一月一日为止。

九、联合联络小组在北京、伦敦和香港开会。每年至少在上述三地各开会一次。每次开会地点由双方商定。

十、联合联络小组成员在上述三地享有相应的外交特权与豁免。除非双方另有协议，联合联络小组讨论情况须加以保密。

十一、经双方协议，联合联络小组可决定设立专家小组以处理需要专家协助的具体事项。

十二、联合联络小组成员以外的专家可参加联合联络小组和专家小组的会议。每方按照讨论的问题和选定的地点，决定其参加联合联络小组或专家小组每次会议的人员组成。

十三、联合联络小组的工作程序由双方按照本附件规定讨论决定。

附件三

关 于 土 地 契 约

中华人民共和国政府和联合王国政府同意自《联合声明》生效之日起，按下列规定处理关于香港土地契约和其他有关事项：

一、《联合声明》生效前批出或决定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，以及该声明生效后根据本附件第二款或第三款批出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，按照香港特别行政区的法律继续予以承认和保护。

二、除了短期租约和特殊用途的契约外，已由香港英国政府批出的一九九七年六月三十日以前满期而没有续期权利的土地契约，如承租人愿意，均可续期到不超过二〇四七年六月三十日，不补地价。从续期之日起，每年交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。至于旧批约地段、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土地的承租人，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，租金将维持不变。一九九七年六月三十日以后满期而没有续期权利的土地契约，将按照香港特别行政区有关的土地法律及政策处理。

三、从《联合声明》生效之日起至一九九七年六月三十日止，香港英国政府可以批出租期不超过二〇四七年六月三十日的新的土地契约。该项土地的承租人须交纳地价并交纳名义租金至一九九七年六月三十日，该日以后不补地价，但需每年交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。

四、从《联合声明》生效之日起至一九九七年六月三十日止，根据本附件第三款所批出的新的土地，每年限于五十公顷，不包括批给香港房屋委员会建造出租的公共房屋所用的土地。

五、在一九九七年七月一日之前，可继续批准修改香港英国政府所批出的土地契约规定的土地使用条件，补交的地价为原有条件的土地价值和修改条件后的土地价值之间

的差额。

六、从《联合声明》生效之日起至一九九七年六月三十日止，香港英国政府从土地交易所得的地价收入，在扣除开发土地平均成本的款项后，均等平分，分别归香港英国政府和日后的香港特别行政区政府所有。属于香港英国政府所得的全部收入，包括上述扣除的款项，均拨入“基本工程储备基金”，用于香港土地开发和公共工程。属于香港特别行政区政府的地价收入部分，将存入在香港注册的银行，除按照本附件第七款（四）的规定用于香港土地开发和公共工程外，不得动用。

七、《联合声明》生效之日起，立即在香港成立土地委员会。土地委员会由中华人民共和国政府和联合王国政府指派同等人数的官员组成，辅以必要的工作人员。双方官员向各自的政府负责。土地委员会将于一九九七年六月三十日解散。

土地委员会的职权范围为：

（一）就本附件的实施进行磋商，

（二）监察本附件第四款规定的限额，批给香港房屋委员会建造出租的公共房屋所用的土地数量，以及本附件第六款关于地价收入的分配和使用的执行；

(三)根据香港英国政府提出的建议，考虑并决定提高本附件第四款所述的限额数量；

(四)审核关于拟动用本附件第六款所述的属于香港特别行政区政府的地价收入部分的建议，并提出意见，供中方决定。

土地委员会未能取得一致意见的问题，提交中华人民共和国政府和联合王国政府决定。

八、有关建立土地委员会的细则，由双方另行商定。

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