

*** The Interpretation by the Standing Committee of the National People's Congress Regarding Paragraph 4 in Article 22 and Category (3) of Paragraph 2 in Article 24 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China**

(Adopted at the Tenth Meeting of the Standing Committee of the Ninth National People's Congress on 26 June 1999)

At its 10th Meeting, the Standing Committee of the Ninth National People's Congress discussed the State Council's Proposal for Giving an Interpretation to Paragraph 4 in Article 22 and Category (3) of Paragraph 2 in Article 24 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. It is in order to respond to the report submitted by the Chief Executive of the Hong Kong Special Administrative Region in accordance with the relevant provisions of Article 43 and those of Category (2) of Article 48 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China that the State Council has put forward the proposal. In view of the fact that the issue raised in the proposal concerns the interpretation of the relevant articles of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China by the Court of Final Appeal of the Hong Kong Special Administrative Region in its judgment made on 29 January 1999, that these provisions concern affairs which are the responsibility of the Central Authorities and the relationship between the Central Authorities and the Hong Kong Special Administrative Region, that the Court of Final Appeal, before making its judgment, failed to seek an interpretation of the provisions from the Standing Committee of the National People's Congress in accordance with the provisions of Paragraph 3 in Article 158 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and that the interpretation of the Court of Final Appeal is not in conformity with the original legislative intent, the Standing Committee of the National People's Congress, after consulting its Committee for the Basic Law of the Hong Kong Special Administrative Region, decides to give the following interpretations to the relevant provisions in the Basic Law of the Hong Kong Special Administrative Region of the People's

Republic of China in accordance with the provisions of Category (4) of Article 67 of the Constitution of the People's Republic of China and Paragraph 1 in Article 158 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China:

1. The provisions of Paragraph 4 in Article 22 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China "for entry into the Hong Kong Special Administrative Region, people from other parts of China must apply for approval", mean that persons from provinces, autonomous regions and municipalities directly under the Central Government, including the children of permanent residents of the Hong Kong Special Administrative Region born in the mainland with Chinese nationality, who request to enter the Hong Kong Special Administrative Region with whatever reason shall, in accordance with the provisions of relevant laws and administrative regulations of the State, apply for approval from the relevant government department in the place of their residence and may only enter the Hong Kong Special Administrative Region with valid certificates issued by relevant authorities. It's illegal for any persons or children mentioned above to enter the Hong Kong Special Administrative Region without going through due approval procedures in accordance with the provisions of relevant laws and administrative regulations of the State.

2. The first three categories of Paragraph 2 in Article 24 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China provide: "The permanent residents of the Hong Kong Special Administrative Region shall be: (1) Chinese citizens born in Hong Kong before or after the establishment of the Hong Kong Special Administrative Region; (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; (3) Persons of Chinese nationality born outside Hong Kong of those residents listed in categories (1) and (2)". Among these people, the persons provided for in Category (3) "Persons of Chinese nationality born outside Hong Kong of those residents listed in categories (1) and (2)" mean that those persons, at the time of their birth, no matter whether they were born before or after the establishment of the Hong Kong Special Administrative Region, whose parents or whose fathers or

mothers are Chinese citizens as provided for in Category (1) or Category (2) of Paragraph 2 in Article 24 of the Basic Law of the Hong Kong Special Administrative Region. The original legislative intent elucidated by this Interpretation and the original legislative intent of the other categories of Paragraph 2 in Article 24 of the Basic Law of the Hong Kong Special Administrative Region have been embodied in the Opinions on the Implementation of the Second Paragraph of Article 24 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, which were adopted at the Fourth Plenary Meeting of the Preparatory Committee for the Hong Kong Special Administrative Region of the National People's Congress on 10 August 1996.

After promulgation of this Interpretation, the courts of the Hong Kong Special Administrative Region shall, in applying the relevant articles of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, follow this Interpretation. This Interpretation does not affect the right of abode in the Hong Kong Special Administrative Region granted to the litigating party in the case through the judgment made by the Court of Final Appeal of the Hong Kong Special Administrative Region on 29 January 1999. As to whether any other person conforms to the provisions of Category (3) of Paragraph 2 in Article 24 of the Basic Law of the Hong Kong Special Administrative Region, the matter shall be decided according to this Interpretation.

Note:

- * This English translation text is reproduced from "The Laws of the People's Republic of China 1999" 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 only and has no legislative effect.