



## 《香港憲法》

The Constitution of Hong Kong by CDC

— 香港議會香港憲法草擬委員會 —

**公開諮詢**

*Public Consultation*

## *Preamble*

### 序言

本憲法旨在確立香港為一獨立民主法治之政治共同體，保障人民基本權利，確立權力分立及司法獨立，保存並弘揚香港之語言與文化，並明確拒絕中國共產黨之管治與干預。

The Constitution of Hong Kong (“the Constitution”) prescribes the systems to be practiced in Hong Kong, in order to ensure an independent, democratic political entity with the rule of law that protects fundamental rights of its citizens, affirms separation of powers and judicial independence, preserves and promotes the languages and cultures of Hong Kong, and unequivocally reject the governance and interference of the Chinese Communist Party.

# 第一章 基本原則

## *Chapter 1 General Principles*

— 香港議會香港憲法草擬委員會 —

**Constitution Drafting Committee of HONG KONG PARLIAMENT**

## 第1條 主權與國家性

### *Article 1 Sovereignty and Statehood*

1. 香港為主權獨立之政治實體，其最高權力屬於香港人民。
1. Hong Kong is an independent political entity with its own sovereignty. Its sovereign power belongs to the people of Hong Kong.
2. 任何外國政黨、政權或組織不得在香港行使政治權力或進行政治干預。
2. Foreign political party, regime or organization is prohibited to exercise any political power or carry out any political interference in Hong Kong.

## 第2條 法治與憲法至上

### *Article 2 The Rule of Law and Supremacy of is the supreme legal framework in Hong Kong.*

1. 本憲法為香港最高法律。
1. This Constitution is the supreme law of Hong Kong.
2. 所有政府機關、公職人員及其他組織應遵守本憲法及法律。
2. All government departments, appointed government officials and civil servants, and other organizations will follow and obey the Constitution and its laws.

## 第3條 權力分立

### *Article 3 Separation of Powers*

1. 政府分為立法、行政與司法三權，互相制衡、各自獨立。
1. The government consists of three powers, legislative, executive and judiciary. Each branch is institutionally distinct; there are checks and balances between the branches.
2. 任何部門不得非法集中或濫用權力。
2. Concentration or abuse of powers is prohibited in any government branch.

# 第二章 公民權利與自由

## *Chapter 2 Rights and Freedom of the Citizens*

— 香港議會香港憲法草擬委員會 —

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## 第4條 基本人權

### *Article 4 Fundamental Human Rights*

1. 香港人民享有言論、新聞、集會、結社、宗教、遷徙及職業選擇等基本自由。
1. Citizens of Hong Kong shall have freedom of speech, of the press; freedom of assembly, of association; freedom of religious beliefs; freedom of movement; and freedom of occupational choice.
2. 人民有權不受任意拘捕、搜索或剝奪財產。
2. Citizens shall have the rights against arbitrary arrest, search or deprivation of property.

## 第5條 平等與非歧視

### *Article 5 Equality and Anti-Discrimination*

1. 所有人在法律面前平等，不得基於種族、性別、語言、宗教、政治觀點、出生或其他身分受歧視。
1. All citizens shall be equal before the law. Citizens shall not be discriminated on the basis of one's race, gender, language, religion, political ideology, place of birth or other identifiable qualities.

## 第6條 隱私與資料保護

### *Article 6 Privacy and Data Protection*

1. 個人通訊及私人資料受法律保護。
1. The freedom and privacy of communication and personal data of citizens of Hong Kong shall be protected by law.
2. 政府進行監控或蒐集資料須有明確法律依據與司法授權。
2. Surveillance and data collection by the government shall be subject to well-defined legal framework and judicial authorization.

# 第三章 政治制度與選舉

## *Chapter 3 Political Structure and Election System*

— 香港議會香港憲法草擬委員會 —

**Constitution Drafting Committee of HONG KONG PARLIAMENT**

## 第 7 條 普選原則

### *Article 7 Universal Suffrage*

1. 香港總統與立法機構全部成員均由普遍、平等、直接及秘密之選舉產生。
1. The president of Hong Kong and all members of the legislature should be elected through universal suffrage, equal suffrage, direct election and secret ballot.
2. 選舉權與被選舉權為基本政治權利，除依法定嚴格理由外，不得剝奪。
2. Right to vote and right of candidacy are fundamental political rights, which shall not be deprived unless on strict legal reasons.

## 第 8 條 選舉管理

### *Article 8 Management of Election*

1. 選務機構獨立運作，保障選舉自由、公正、透明。
1. Election affairs shall be managed in an independent mechanism in order to ensure free, fair and transparent election.
2. 選舉爭議由獨立司法機關根據《香港議會選舉法》裁決。
2. Any dispute relating to election shall be handled and adjudicated by independent judicial mechanism, which is formed under the Election Law of the Hong Kong Parliament.

## 第 9 條 政黨與政治參與

### *Article 9 Political Party and Political Participation*

1. 政黨自由成立、運作與競選。
1. Citizens shall have freedom to form and operate political party; freedom to participate in election.
2. 外國政黨或外國政府不得指揮、資助或操控本地政黨之政治活動。
2. Foreign political party or government is prohibited to direct, fund or manipulate political activity of political party in Hong Kong.

# 第四章 行政

## *Chapter 4 The Executive Authorities*

— 香港議會香港憲法草擬委員會 —

**Constitution Drafting Committee of HONG KONG PARLIAMENT**

## 第 10 條 總統

### *Article 10 The President*

1. 總統為政府執行首長，由普選產生並受立法機關監督。
1. As the head of the executive branch, the President shall be elected through universal suffrage under the supervision and oversight of the legislative branch.
2. 總統須就施政向立法機關負責。
2. The President shall be responsible to the legislative branch in matters relating to policy formulation and implementation.

## 第 11 條 行政機關

### *Article 11 The Executive Branch*

1. 行政機構依法執行政策，行政官員應為專業、廉潔與負責。
1. The executive branch shall implement policies according to law of Hong Kong. Officials of the executive branch shall be professional, of integrity, and responsible.

# 第五章 立法

## *Chapter 5 The Legislature*

— 香港議會香港憲法草擬委員會 —

**Constitution Drafting Committee of HONG KONG PARLIAMENT**

## 第 12 條 立法機關

### *Article 12 The Legislative Branch*

1. 立法機關由一院構成，議員由普選產生。
1. The legislative branch shall be a unicameral legislature. Members of the legislative branch shall be elected through universal suffrage.
2. 立法機關定立法律、批准預算、審查行政並能進行不信任案。
2. The legislative branch shall enact laws, approve budgets, supervise and oversee the executive branch, and initiate no-confidence motion.

## 第 13 條 立法程序

### *Article 13 Procedures of Law Enactment*

1. 法律應公開徵詢意見，並經透明程序通過
1. Laws shall be enacted after public consultation and through transparent process.
2. 法律審查應尊重人權與憲法保障。
2. Legal review shall be conducted in accordance with fundamental human rights and the Constitution.

# 第六章 司法

## *Chapter 6 The Judiciary*

— 香港議會香港憲法草擬委員會 —

**Constitution Drafting Committee of HONG KONG PARLIAMENT**

## 第14條 司法獨立

### *Article 14 Judicial Independence*

1. 司法機關獨立於行政與立法，法官享有終身或固定年限保障以維持獨立。
1. The judiciary shall be independent from the Executive Authorities and the Legislature. Judges shall have tenure of indefinite period of time or appointment of fixed term in order to ensure that they can exercise judicial power independently.
2. 法官任命程序公開且由獨立委員會推薦。
2. The appointment procedures of judges shall be open, and based on recommendation of independent commission.

## 第15條 司法審查

### *Article 15 Judicial Review*

1. 司法機關有權審查法律及行政行為之合憲性。
1. The judiciary shall have the power to review constitutionality of laws and administrative actions.
2. 任何人得以訴訟方式尋求救濟。
2. Anyone shall seek redress through litigation.

# 第七章 語言與文化承傳

## *Chapter 7 Languages and Cultural Heritage*

— 香港議會香港憲法草擬委員會 —

**Constitution Drafting Committee of HONG KONG PARLIAMENT**

## 第 16 條 官方語言

### *Article 16 Official Languages*

1. 正體中文及英文為香港官方文件認可文字而官方語言為粵語，政府提供雙語公共服務。
1. Traditional Chinese and English shall be used as authorized text in government documents, whereas the lingua franca shall be Cantonese. The government shall provide bilingual public services.
2. 保障粵語、其他方言及多語社群之語言權利。
2. Cantonese, other dialects, and multi-lingual community's language rights shall be protected.

## 第 17 條 文化保護

### *Article 17 Cultural Preservation*

1. 政府應保護、保存及推廣香港之歷史、傳統、藝術及文化遺產。
1. The government shall protect, preserve and promote history, customs, arts and cultural heritage of Hong Kong.
2. 公共教育應包含本地歷史與文化課程。
2. Public education shall include curriculum of local history and local culture.

# 第八章 安全與國防

## *Chapter 8 Security and Defense*

— 香港議會香港憲法草擬委員會 —

**Constitution Drafting Committee of HONG KONG PARLIAMENT**

## 第 18 條 民防與治安

### *Article 18 Civil Defense and Public Order*

1. 政府負責維持公共秩序與社會安全，所有手段須符合法律與人權標準。
1. The government shall be responsible to maintain public order and public security. All measures shall be compliant with legal and human rights standards.
2. 國防與外交由香港決定並受民選政府監督。
2. National defense and foreign affairs shall be determined by Hong Kong, and subject to the supervision of democratically elected government.

# 第九章 反干預條款

## *Chapter 9 Non-Interference Clause*

— 香港議會香港憲法草擬委員會 —

**Constitution Drafting Committee of HONG KONG PARLIAMENT**

## 第 19 條 拒絕外國政黨干預

### *Article 19 Rejection of Interference of Foreign Political Party*

1. 明確拒絕中國共產黨在本地之任何政治活動、組織或指揮。
1. Any political activity, organization or command of the Chinese Communist Party shall be unequivocally rejected.
2. 任何個人或組織與外國政黨之協作，若涉及政治指令或資金支配，應受法律限制與透明監管。
2. Cooperation on political directive or funding between any individual or organization and foreign political party shall be subject to legal control and transparent supervision.

## 第 20 條 跨境執法

### *Article 20 Extraterritorial Law Enforcement*

1. 本地執法機關不得執行外國政權之跨境拘捕或逮捕命令，除非經司法獨立審查並符合國際法。
1. Local law enforcement agency is prohibited to implement cross-border arrest or arrest warrant, unless subject to independent judicial review and comply with international law.
2. 任何外國提出之通緝或懸賞，須經本地司法及行政機關審核後方可採取行動。
2. Any wanted notice or reward for information issued by foreign nation shall be reviewed by local judiciary and executive authorities, only then can action be taken.

# 第十章 修憲

## *Chapter 10 Constitutional Amendment*

— 香港議會香港憲法草擬委員會 —

**Constitution Drafting Committee of HONG KONG PARLIAMENT**

## 第 21 條 修憲程序

### *Article 21 Procedures in Constitutional Amendment*

1. 憲法之修改須由立法機關三分之二多數通過，並經全民公投批准。
1. Amendment of the Constitution shall be passed by two thirds of the Legislature, and then approved through referendum.
2. 涉及基本人權與權力分立之條款，修憲門檻應更高。
2. Any constitutional amendment relating to fundamental human rights and/or clause on separation of powers shall be subject to higher threshold.

# 第十一章 終則

## *Chapter 11 Final Provision*

— 香港議會香港憲法草擬委員會 —

**Constitution Drafting Committee of HONG KONG PARLIAMENT**

## 第 22 條 效力

### *Article 22 Validity*

1. 本憲法自公布之日起生效。
1. The Constitution shall be valid on the day of its announcement.
2. 任何與本憲法抵觸之法律、行政命令或香港基本法均為無效。
2. Any law, executive order or the Basic Law of Hong Kong that contradicts with the Constitution shall be deemed null and void.

香港議會香港憲法草擬委員會

Constitution Drafting Committee of

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