

The Basic Law of the Macao SAR  
2004-09-03

**THE BASIC LAW OF THE  
MACAO SPECIAL ADMINISTRATIVE REGION  
OF THE PEOPLE'S REPUBLIC OF CHINA**

(Adopted by the Eighth National People's Congress at its First Session on 31 March 1993)

(Unofficial Translation, For Reference Only)

Decree of the President of the People's Republic of China No. 3

I hereby promulgate the Basic Law of the Macao Special Administrative Region of the People's Republic of China, including Annex I, Method for the Selection of the Chief Executive of the Macao Special Administrative Region, Annex II, Method for the Formation of the Legislative Council of the Macao Special Administrative Region, Annex III, National Laws to Be Applied in the Macao Special Administrative Region, and designs of the regional flag and regional emblem of the Macao Special Administrative Region, which was adopted at the First Session of the Eighth National People's Congress of the People's Republic of China on 31 March 1993 and shall be put into effect as of 20 December 1999.

Jiang Zemin  
President of the People's Republic of China  
31 March 1993

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## **Preamble**

Macao, including the Macao Peninsula, Taipa Island and Coloane Island, has been part of the territory of China since ancient times; it was gradually occupied by Portugal after the mid 16th century. On 13 April 1987, the Chinese and Portuguese Governments signed the Joint Declaration on the Question of Macao, affirming that the Government of the People's Republic of China will resume the exercise of sovereignty over Macao with effect from 20 December 1999, thus fulfilling the long cherished common aspiration of the Chinese people for the recovery of Macao. Upholding national unity and territorial integrity, contributing to social stability and economic development, and taking account of its history and realities, the People's Republic of China has decided that upon China's resumption of the exercise of sovereignty over Macao, a Macao Special Administrative Region will be established in accordance with the provisions of Article 31 of the Constitution of the People's Republic of China, and that under the principle of "one country, two systems", the socialist system and policies will not be practised in Macao. The basic policies of the People's Republic of China regarding Macao have been elaborated by the Chinese Government in the Sino-Portuguese Joint Declaration. In accordance with the Constitution of the People's Republic of China, the National People's Congress hereby enacts the Basic Law of the Macao Special Administrative Region of the People's Republic of China, prescribing the systems to be practised in the Macao Special Administrative Region, in order to ensure the implementation of the basic policies of the People's Republic of China regarding Macao.

## **Chapter I General Principles**

**Article 1** The Macao Special Administrative Region is an inalienable part of the People's Republic of China.

**Article 2** The National People's Congress authorizes the Macao Special Administrative Region to exercise a high degree of autonomy and enjoy executive, legislative and independent judicial power, including that of final adjudication, in accordance with the provisions of this Law.

**Article 3** The executive authorities and legislature of the Macao Special Administrative Region shall be composed of permanent residents of Macao in accordance with the relevant provisions of this Law.

**Article 4** The Macao Special Administrative Region shall safeguard the rights and freedoms of the residents of the Macao Special Administrative Region and of other persons in the Region in accordance with law.

**Article 5** The socialist system and policies shall not be practised in the Macao Special Administrative Region, and the previous capitalist system and way of life shall remain unchanged for 50 years.

**Article 6** The right of private ownership of property shall be protected by law in the Macao Special Administrative Region.

**Article 7** The land and natural resources within the Macao Special Administrative Region shall be State property, except for the private land recognised as such according to the laws in force before the establishment of the Macao Special Administrative Region. The Government of the Macao Special Administrative Region shall be responsible for their management, use and development and for their lease or grant to individuals or legal persons for use or development. The revenues derived there from shall be exclusively at the disposal of the government of the Region.

**Article 8** The laws, decrees, administrative regulations and other normative acts previously in force in Macao shall be maintained, except for any that contravenes this Law, or subject to any amendment by the legislature or other relevant organs of the Macao Special Administrative Region in accordance with legal procedures.

**Article 9** In addition to the Chinese language, Portuguese may also be used as an official language by the executive authorities, legislature and judiciary of the Macao Special Administrative Region.

**Article 10** Apart from displaying the national flag and national emblem of the People's Republic of China, the Macao Special Administrative Region may also use a regional flag and regional emblem. The regional flag of the Macao Special Administrative Region is a green flag with five stars, lotus flower, bridge and sea water. The regional emblem of the Macao Special Administrative Region is composed of five stars, lotus flower, bridge and sea water encircled by the words "Macao Special Administrative Region of the People's Republic of China" in Chinese and "MACAO" in Portuguese.

**Article 11** In accordance with Article 31 of the Constitution of the People's Republic of China, the systems and policies practiced in the Macao Special Administrative Region, including the social and economic systems, the system for safeguarding the fundamental rights and freedoms of its residents, the executive, legislative and judicial systems, and the relevant policies, shall be based on the provisions of this Law. No law, decree, administrative regulations and normative acts of the Macao Special Administrative Region shall contravene this Law.

## **Chapter II Relationship between the Central Authorities and the Macao Special Administrative Region**

**Article 12** The Macao Special Administrative Region shall be a local administrative region of the People's Republic of China, which shall enjoy a high degree of autonomy and come directly under the Central People's Government.

**Article 13** The Central People's Government shall be responsible for the foreign affairs relating to the Macao Special Administrative Region. The Ministry of Foreign Affairs of the People's Republic of China shall establish an office in Macao to deal with foreign affairs. The Central People's Government authorizes the Macao Special Administrative Region to conduct relevant external affairs, on its own, in accordance with this Law.

**Article 14** The Central People's Government shall be responsible for the defence of the Macao Special Administrative Region. The Government of the Macao Special Administrative Region shall be responsible for the maintenance of public order in the Region.

**Article 15** The Central People's Government shall appoint or remove the Chief Executive, the principal officials of the government and the Procurator General of the Macao Special Administrative Region in accordance with the relevant provisions of this Law.

**Article 16** The Macao Special Administrative Region shall be vested with executive power. It shall, on its own, conduct the administrative affairs of the Region in accordance with the relevant provisions of this Law.

**Article 17** The Macao Special Administrative Region shall be vested with legislative power. Laws enacted by the legislature of the Macao Special Administrative Region must be reported to the Standing Committee of the National People's Congress for the record. The reporting for record shall not affect the entry into force of such laws. If the Standing committee of the National People ' s Congress, after consulting the Committee for the Basic Law of the Macao Special Administrative Region under it, considers that any law enacted by the legislature of the Region is not in conformity with the provisions of this Law regarding affairs within the responsibility of the Central Authorities or regarding the relationship between the Central Authorities and the Region, the Standing Committee may return the law in question but shall not amend it. Any law returned by the Standing Committee of the National People's Congress shall immediately be invalidated. This invalidation shall not have retroactive effect, unless otherwise provided for in the laws of the Region.

**Article 18** The laws in force in the Macao Special Administrative Region shall be this Law, the laws previously in force in Macao as provided for in Article 8 of this Law, and the laws enacted by the legislature of the Region. National laws shall not be applied in the Macao Special Administrative Region except for those listed in Annex III to this Law. The laws listed therein shall be applied locally by way of promulgation or legislation by the Region. The Standing Committee of the National People ' s Congress may add to or

delete from the list of laws in Annex III after consulting its Committee for the Basic Law of the Macao Special Administrative Region and the government of the Region. Laws listed in Annex III to this Law shall be confined to those relating to defence and foreign affairs as well as other matters outside the limits of the autonomy of the Region as specified by this Law. In the event that the Standing Committee of the National People's Congress decides to declare a state of war or, by reason of turmoil within the Macao Special Administrative Region which endangers national unity or security and is beyond the control of the government of the Region, decides that the Region is in a state of emergency, the Central People ' s Government may issue an order applying the relevant national laws in the Region.

**Article 19** The Macao Special Administrative Region shall be vested with independent judicial power, including that of final adjudication. The courts of the Macao Special Administrative Region shall have jurisdiction over all cases in the Region, except that the restrictions on their jurisdiction imposed by the legal system and principles previously in force in Macao shall be maintained. The courts of the Macao Special Administrative Region shall have no jurisdiction over acts of state such as defence and foreign affairs. The courts of the Region shall obtain a certificate from the Chief Executive on questions of fact concerning acts of state such as defence and foreign affairs whenever such questions arise in the adjudication of cases. This certificate shall be binding on the courts. Before issuing such a certificate, the Chief Executive shall obtain a certifying document from the Central People's Government.

**Article 20** The Macao Special Administrative Region may enjoy other powers granted to it by the National People's Congress, the Standing Committee of the National People's Congress or the Central People's Government.

**Article 21** Chinese citizens who are residents of the Macao Special Administrative Region shall be entitled to participate in the management of state affairs according to law. In accordance with the assigned number of seats and the selection method specified by the National People's Congress, the Chinese citizens among the residents of the Macao Special Administrative Region shall locally elect deputies of the Region to the National People's Congress to participate in the work of the highest organ of state power.

**Article 22** No department of the Central People's Government and no province, autonomous region, or municipality directly under the Central Government may interfere in the affairs which the Macao Special Administrative Region administers, on its own, in accordance with this Law. If there is a need for departments of the Central Government, or for provinces, autonomous regions, or municipalities directly under the Central Government to set up offices in the Macao Special Administrative Region, they must obtain the consent of the government of the Region and the approval of the Central People's Government. All offices set up in the Macao Special Administrative Region by departments of the Central Government, or by provinces, autonomous regions, or municipalities directly under the Central Government, and the personnel of these offices shall abide by the laws of the Region. For entry into the Macao Special Administrative Region, people from other provinces, autonomous regions or municipalities directly

under the Central Government must apply for approval. Among them, the number of persons who enter the Region for the purpose of settlement shall be determined by the competent authorities of the Central People's Government after consulting the government of the Region . The Macao Special Administrative Region may establish an office in Beijing.

**Article 23** The Macao Special Administrative Region shall enact laws, on its own, to prohibit any act of treason, secession, sedition, subversion against the Central People's Government, or theft of state secrets, to prohibit foreign political organizations or bodies from conducting political activities in the Region, and to prohibit political organizations or bodies of the Region from establishing ties with foreign political organizations or bodies.

### **Chapter III Fundamental Rights and Duties of the Residents**

**Article 24** Residents of the Macao Special Administrative Region ("Macao residents") shall include permanent residents and non-permanent residents. The permanent residents of the Macao Special Administrative Region shall be:

- (1) Chinese citizens born in Macao before or after the establishment of the Macao Special Administrative Region and their children of Chinese nationality born outside Macao;
- (2) Chinese citizens who have ordinarily resided in Macao for a continuous period of not less than seven years before or after the establishment of the Macao Special Administrative Region and their children of Chinese nationality born outside Macao after they have become permanent residents;
- (3) The Portuguese who were born in Macao and have taken Macao as their place of permanent residence before or after the establishment of the Macao Special Administrative Region;
- (4) The Portuguese who have ordinarily resided in Macao for a continuous period of not less than seven years and have taken Macao as their place of permanent residence before or after the establishment of the Macao Special Administrative Region;
- (5) Other persons who have ordinarily resided in Macao for a continuous period of not less than seven years and have taken Macao as their place of permanent residence before or after the establishment of the Macao Special Administrative Region;
- (6) Persons under 18 years of age born in Macao of those residents listed in category (5) before or after the establishment of the Macao Special Administrative Region. The above mentioned residents shall have the right of abode in the Macao Special Administrative Region and shall be qualified to obtain permanent identity cards. The non-permanent residents of the Macao Special Administrative Region shall be persons who are qualified to obtain Macao identity cards in accordance with the laws of the Region but have no right of abode.

**Article 25** All Macao residents shall be equal before the law, and shall be free from discrimination, irrespective of their nationality descent, race, sex, language, religion, political persuasion or ideological belief, educational level, economic status or social conditions.

**Article 26** Permanent residents of the Macao Special Administrative Region shall have the right to vote and the right to stand for election in accordance with law.

**Article 27** Macao residents shall have freedom of speech, of the press and of publication; freedom of association, of assembly, of procession and of demonstration; and the right and freedom to form and join trade unions, and to strike.

**Article 28** The freedom of the person of Macao residents shall be inviolable. No Macao resident shall be subjected to arbitrary or unlawful arrest, detention or imprisonment. In case of arbitrary or unlawful detention or imprisonment, Macao residents have the right to apply to the court for the issuance of a writ of habeas corpus. Unlawful search of the body of any resident or deprivation or restriction of the freedom of the person shall be prohibited. Torture or inhuman treatment of any resident shall be prohibited.

**Article 29** Macao residents shall not be punished by law, unless their acts constitute a crime and they shall be punished for it as expressly prescribed by law at the time. When charged with criminal offences, Macao residents shall enjoy the right to an early court trial and shall be presumed innocent before convicted.

**Article 30** The human dignity of Macao residents shall be inviolable. Humiliation, slander and false accusation against residents in any form shall be prohibited. Macao residents shall enjoy the right to personal reputation and the privacy of their private and family life.

**Article 31** The homes and other premises of Macao residents shall be inviolable. Arbitrary or unlawful search of, or intrusion into, a resident's home or other premises shall be prohibited.

**Article 32** The freedom and privacy of communication of Macao residents shall be protected by law. No department or individual may, on any grounds, infringe upon the freedom and privacy of communication of residents except that the relevant authorities may inspect communication in accordance with the provisions of the law to meet the needs of public security or of investigation into criminal offences.

**Article 33** Macao residents shall have freedom of movement within the Macao Special Administrative Region and freedom of emigration to other countries and regions. They shall have freedom to travel and to enter or leave the Region and shall have the right to obtain travel documents in accordance with law. Unless restrained by law, holders of valid travel documents shall be free to leave the Region without special authorization.



**Article 34** Macao residents shall have freedom of conscience. Macao residents shall have freedom of religious belief and freedom to preach and to conduct and participate in religious activities in public.

**Article 35** Macao residents shall have freedom of choice of occupation and work.

**Article 36** Macao residents shall have the right to resort to law and to have access to the courts, to lawyers' help for protection of their lawful rights and interests, and to judicial remedies. Macao residents shall have the right to institute legal proceedings in the courts against the acts of the executive authorities and their personnel.

**Article 37** Macao residents shall have freedom to engage in education, academic research, literary and artistic creation, and other cultural activities.

**Article 38** The freedom of marriage of Macao residents and their right to form and raise a family freely shall be protected by law. The legitimate rights and interests of women shall be protected by the Macao Special Administrative Region. The minors, the aged and the disabled shall be taken care of and protected by the Macao Special Administrative Region.

**Article 39** Macao residents shall have the right to social welfare in accordance with law. The welfare benefits and retirement security of the labour force shall be protected by law.

**Article 40** The provisions of International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, and international labour conventions as applied to Macao shall remain in force and shall be implemented through the laws of the Macao Special Administrative Region. The rights and freedoms enjoyed by Macao residents shall not be restricted unless as prescribed by law. Such restrictions shall not contravene the provisions of the first paragraph of this Article.

**Article 41** Macao residents shall enjoy the other rights and freedoms safeguarded by the laws of the Macao Special Administrative Region.

**Article 42** The interests of the residents of Portuguese descent in Macao shall be protected by the Macao Special Administrative Region in accordance with law, and their customs and cultural traditions shall be respected.

**Article 43** Persons in the Macao Special Administrative Region other than Macao residents shall, in accordance with law, enjoy the rights and freedoms of Macao residents prescribed in this Chapter.

**Article 44** Macao residents and other persons in Macao shall have the obligation to abide by the laws in force in the Macao Special Administrative Region.

#### **Chapter IV Political Structure Section 1 The Chief Executive**

**Article 45** The Chief Executive of the Macao Special Administrative Region shall be the head of the Macao Special Administrative Region and shall represent the Region. The Chief Executive of the Macao Special Administrative Region shall be accountable to the Central People's Government and the Macao Special Administrative Region in accordance with the provisions of this Law.

**Article 46** The Chief Executive of the Macao Special Administrative Region shall be a Chinese citizen of not less than 40 years of age who is a permanent resident of the Region and has ordinarily resided in Macao for a continuous period of not less than 20 years.

**Article 47** The Chief Executive of the Macao Special Administrative Region shall be selected by election or through consultations held locally and be appointed by the Central People's Government. The specific method for selecting the Chief Executive is prescribed in Annex I: "Method for the Selection of the Chief Executive of the Macao Special Administrative Region".

**Article 48** The term of office of the Chief Executive of the Macao Special Administrative Region shall be five years. He or she may serve for not more than two consecutive terms.

**Article 49** The Chief Executive of the Macao Special Administrative Region, during his or her term of office, shall have no right of abode in any foreign country and shall not engage in any activities for his or her personal gains. The Chief Executive, on assuming office, shall declare his or her assets to the President of the Court of Final Appeal of the Macao Special Administrative Region. This declaration shall be put on record.

**Article 50** The Chief Executive of the Macao Special Administrative Region shall exercise the following powers and functions:

- (1) To lead the government of the Region;
- (2) To be responsible for the implementation of this Law and other laws which, in accordance with this Law, apply in the Macao Special Administrative Region;
- (3) To sign bills passed by the Legislative Council and to promulgate laws; To sign budgets passed by the Legislative Council and report the budgets and final accounts to the Central People's Government for the record;
- (4) To decide on government policies and to issue executive orders;
- (5) To formulate the administrative regulations and promulgate them for implementation;
- (6) To nominate and to report to the Central People's Government for appointment the following principal officials: Secretaries of Departments, Commissioner against Corruptions, Director of Audit, the leading members of the Police and the customs and excise; and to recommend to the Central People's Government the removal of the above mentioned officials;

- (7) To appoint part of the members of the Legislative Council;
- (8) To appoint or remove members of the Executive Council;
- (9) To appoint or remove presidents and judges of the courts at all levels and procurators in accordance with legal procedures;
- (10) To nominate and report to the Central People's Government for appointment of the Procurator-General and recommend to the Central People's Government the removal of the Procurator-General in accordance with legal procedures;
- (11) To appoint or remove holders of public office in accordance with legal procedures;
- (12) To implement the directives issued by the Central People's Government in respect of the relevant matters provided for in this Law;
- (13) To conduct, on behalf of the Government of the Macao Special Administrative Region, external affairs and Other affairs as authorized by the Central Authorities;
- (14) To approve the introduction of motions regarding revenues or expenditure to the Legislative Council;
- (15) To decide, in the light of security and vital interests, whether government officials or other personnel in charge of government affairs should testify or give evidence before the Legislative Council or its committees;
- (16) To confer medals and titles of honor of the Macao Special Administrative Region in accordance with law;
- (17) To pardon persons convicted of criminal offences or commute their penalties in accordance with law; and
- (18) To handle petitions and complaints.

**Article 51** If the Chief Executive of the Macao Special Administrative Region considers that a bill passed by the Legislative Council is not compatible with the overall interests of the Region, he or she may give his or her reasons in writing and return it to the Legislative Council within 90 days for reconsideration. If the Legislative Council passes the original bill again by not less than a two-thirds majority of all the members, the Chief Executive must sign and promulgate it within 30 days or act in accordance with the provisions of Article 52 of this Law.

**Article 52** The Chief Executive of the Macao Special Administrative Region may dissolve the Legislative Council under any of the following circumstances:

(1) The Chief Executive refuses to sign a bill passed the second time by the Legislative Council; and

(2) The Legislative Council refuses to pass a budget introduced by the government or any other bills which he or she considers concern the overall interests of the Region, and after consultations, consensus still cannot be reached. Before dissolving the Legislative Council, the Chief Executive must consult the Executive Council and he or she shall explain the reason for it to the public. The Chief Executive may dissolve the Legislative Council only once in each term of his or her office.

**Article 53** If the Legislative Council of the Macao Special Administrative Region fails to pass the budget introduced by the government, the Chief Executive may approve provisional short term appropriations according to the level of expenditure of the previous fiscal year.

**Article 54** The Chief Executive of the Macao Special Administrative Region must resign under any of the following circumstances:

(1) When he or she loses the ability to discharge his or her duties as a result of serious illness or other reasons;

(2) When, after the Legislative Council is dissolved because he or she twice refuses to sign a bill passed by it, the new Legislative Council again passes by a two-thirds majority of all the members the original bill in dispute, but he or she still refuses to sign it within 30 days; and

(3) When, after the Legislative Council is dissolved because it refuses to pass a budget or any other bill concerning the overall interests of the Macao Special Administrative Region, the newly elected Legislative Council still refuses to pass the original bill in dispute.

**Article 55** If the Chief Executive of the Macao Special Administrative Region is not able to discharge his or her duties for a short period, such duties shall temporarily be assumed by the secretaries of the departments in the order of precedence, which shall be stipulated by law. In the event that the office of Chief Executive becomes vacant, a new Chief Executive shall be selected within 120 days in accordance with the provisions of Article 47 of this Law. During the period of vacancy, his or her duties shall be assumed according to the provisions of paragraph 1 of this Article and the choice of the acting Chief Executive shall be reported to the Central People's Government for approval. The acting Chief Executive shall abide by the provisions of Article 49 of this Law.

**Article 56** The Executive Council of the Macao Special Administrative Region shall be an organ for assisting the Chief Executive in policy making.

**Article 57** Members of the Executive Council of the Macao Special Administrative Region shall be appointed by the Chief Executive from among the principal officials of

the executive authorities, members of the Legislative Council and public figures. Their appointment or removal shall be decided by the Chief Executive. The term of office of members of the Executive Council shall not extend beyond the expiry of the term of office of the Chief Executive who appoints them. Members of the original Executive Council shall remain in office until the new Chief Executive is selected. Members of the Executive Council of the Macao Special Administrative Region shall be Chinese citizens who are permanent residents of the Region. The Executive Council shall be composed of seven to eleven persons. The Chief Executive may, as he or she deems necessary, invite other persons concerned to sit in on meetings of the Council.

**Article 58** The Executive Council of the Macao Special Administrative Region shall be presided over by the Chief Executive. The meeting of the Executive Council shall be held at least once each month. Except for the appointment, removal and disciplining of officials and the adoption of measures in emergencies, the Chief Executive shall consult the Executive Council before making important policy decisions, introducing bills to the Legislative Council, formulating administrative regulations, or dissolving the Legislative Council. If the Chief Executive does not accept a majority opinion of the Executive Council, he or she shall put the specific reasons on record.

**Article 59** A Commission against Corruption shall be established in the Macao Special Administrative Region. It shall function independently and its Commissioner shall be accountable to the Chief Executive.

**Article 60** A Commission of Audit shall be established in the Macao Special Administrative Region. It shall function independently and its Director shall be accountable to the Chief Executive.

## **Section 2 The Executive Authorities**

**Article 61** The Government of the Macao Special Administrative Region shall be the executive authorities of the Region.

**Article 62** The head of the Government of the Macao Special Administrative Region shall be the Chief Executive of the Region. General secretariats, directorates of services, departments and divisions shall be established in the Government of the Macao Special Administrative Region.

**Article 63** The principal officials of the Macao Special Administrative Region shall be Chinese citizens who are permanent residents of the Region and have ordinarily resided in Macao for a continuous period of not less than 15 years. The principal officials of the Macao Special Administrative Region, at the time of assuming office, shall declare their property to the President of the Court of Final Appeal of the Macao Special Administrative Region for the record.

**Article 64** The Government of the Macao Special Administrative Region shall exercise the following powers and functions:

- (1) To formulate and implement policies;
- (2) To conduct administrative affairs;
- (3) To conduct external affairs as authorized by the Central People's Government under this Law;
- (4) To draw up and introduce budgets and final accounts;
- (5) To introduce bills and motions and to draft administrative regulations; and
- (6) To designate officials to sit in on the meetings of the Legislative Council to hear opinions or speak on behalf of the government.

**Article 65** The Government of the Macao Special Administrative Region must abide by the law and be accountable to the Legislative Council of the Region: it shall implement laws passed by the Council and already in force; it shall present regular policy addresses to the Council; and it shall answer questions raised by members of the Council.

**Article 66** The Executive authorities of the Macao Special Administrative Region may, when necessary, establish advisory bodies.

### **Section 3 The Legislature**

**Article 67** The Legislative Council of the Macao Special Administrative Region shall be the legislature of the Region.

**Article 68** The Legislative Council of the Macao Special Administrative Region shall be composed of permanent residents of the Region. The majority of its members shall be elected. The method for forming the Legislative Council is prescribed in Annex II: Method for the Formation of the Legislative Council of the Macao Special Administrative Region. Members of the Legislative Council, upon assuming office, shall declare their financial situation in accordance with legal procedures.

**Article 69** The term of office of the Legislative Council of the Macao Special Administrative Region shall be four years, except for the first term which shall be stipulated otherwise.

**Article 70** If the Legislative Council of the Macao Special Administrative Region is dissolved by the Chief Executive in accordance with the provisions of this Law, it must, within 90 days, be reconstituted in accordance with Article 68 of this Law.

**Article 71** The Legislative Council of the Macao Special Administrative Region shall exercise the following powers and functions:

(1) To enact, amend, suspend or repeal laws in accordance with the provisions of this Law and legal procedures;

(2) To examine and approve budgets introduced by the government; and examine the report on audit introduced by the government;

(3) To decide on taxation according to government motions and approve debts to be undertaken by the government;

(4) To receive and debate the policy addresses of the Chief Executive;

(5) To debate any issue concerning public interests;

(6) To receive and handle complaints from Macao residents;

(7) If a motion initiated jointly by one-third of all the members of the Legislative Council charges the Chief Executive with serious breach of law or dereliction of duty and if he or she refuses to resign, the Council may, by a resolution give a mandate to the President of the Court of Final Appeal to form an independent investigation committee to carry out investigation. If the committee considers the evidence sufficient to substantiate such charges, the Council may pass a motion of impeachment by a two-thirds majority of all its members and report it to the Central People's Government for decision; and

(8) To summon, as required when exercising the above mentioned powers and functions, persons concerned to testify or give evidence.

**Article 72** The Legislative Council of the Macao Special Administrative Region shall have a President and a Vice President who shall be elected by and from among the members of the Legislative Council. The President and Vice President of the Legislative Council shall be Chinese citizens who are permanent residents of the Region and have ordinarily resided in Macao for a continuous period of not less than 15 years.

**Article 73** In case of absence of the President of the Legislative Council of the Macao Special Administrative Region, the Vice President shall act as President. In the event that the office of President or of Vice President of the Legislative Council becomes vacant, new President or Vice President shall be elected.

**Article 74** The President of the Legislative Council of the Macao Special Administrative Region shall exercise the following powers and functions:

(1) To preside over meetings;

(2) To decide on the agenda, giving priority to government bills for inclusion in the agenda upon the request of the Chief Executive;

(3) To decide on the dates of meetings;

(4) To call special sessions during the recess;

(5) To call emergency sessions on his or her own or upon the request of the Chief Executive; and

(6) To exercise other powers and functions as prescribed in the rules of procedure of the Legislative Council.

**Article 75** Members of the Legislative Council of the Macao Special Administrative Region may introduce bills in accordance with the provisions of this Law and legal procedures. Bills which do not relate to public expenditure or political structure or the operation of the government may be introduced individually or jointly by members of the Council. The written consent of the Chief Executive shall be required before bills relating to government policies are introduced.

**Article 76** Members of the Legislative Council of the Macao Special Administrative Region shall have the right to raise questions about the government work in accordance with legal procedures.

**Article 77** The quorum for the meeting of the Legislative Council of the Macao Special Administrative Region shall be not less than one half of all its members. Except otherwise prescribed by this Law, bills and motions shall be passed by more than half of all the members of the Council. The rules of procedure of the Legislative Council shall be made by the Council, on its own, provided that they do not contravene this Law.

**Article 78** A bill passed by the Legislative Council of the Macao Special Administrative Region may take effect only after it is signed and promulgated by the Chief Executive.

**Article 79** Members of the Legislative Council of the Macao Special Administrative Region shall be immune from legal action in respect of their statements and voting at meetings of the Council.

**Article 80** Members of the Legislative Council of the Macao Special Administrative Region, excluding active criminals, shall not be subjected to arrest without the permission of the Council.

**Article 81** The President of the Legislative Council of the Macao Special Administrative Region shall declare, according to the decision of the Council, that a member of the Council is no longer qualified for the office under any of the following circumstances:

(1) When he or she loses the ability to discharge his or her duties as a result of serious illness or other reasons;

(2) When he or she assumes posts which he or she is not permitted by law to hold concurrently;



(3) When he or she, with no valid reason, is absent from meetings for five consecutive times or for 15 times intermittently without the consent of the President of the Legislative Council;

(4) When he or she breaches his or her oath; and

(5) When he or she is convicted and sentenced to imprisonment for more than 30 days for a criminal offence committed within or outside the Region.

#### **Section 4 The Judiciary**

**Article 82** The courts of the Macao Special Administrative Region shall exercise the judicial power.

**Article 83** The courts of the Macao Special Administrative Region shall exercise judicial power independently. They shall be subordinated to nothing but law and shall not be subject to any interference.

**Article 84** The primary courts, intermediate courts and Court of Final Appeal shall be established in the Macao Special Administrative Region. The power of final adjudication of the Macao Special Administrative Region shall be vested in the Court of Final Appeal of the Region. The structure, powers and functions as well as operation of the courts of the Macao Special Administrative Region shall be prescribed by law.

**Article 85** The primary courts of the Macao Special Administrative Region may, when necessary, establish special courts. The previous system concerning criminal prosecution shall be maintained.

**Article 86** An administrative court shall be established in the Macao Special Administrative Region. It is the court which shall have jurisdiction over administrative and tax cases. If a party refuses to accept a judgment by the administrative court, he or she shall have the right to file an appeal with an intermediate court.

**Article 87** Judges of the courts of the Macao Special Administrative Region at all levels shall be appointed by the Chief Executive on the recommendation of an independent commission composed of local judges, lawyers and eminent persons. Judges shall be chosen on the basis of their professional qualifications. Qualified judges of foreign nationality may also be employed. A judge may only be removed for inability to discharge his or her functions, or for behavior incompatible with his or her post, by the Chief Executive on the recommendation of a tribunal appointed by the President of the Court of Final Appeal and consisting of not fewer than three local judges. The removal of the judges of the Court of Final Appeal shall be decided on by the Chief Executive upon the recommendation of a review committee consisting of members of the Legislative Council of the Macao Special Administrative Region. The appointment and removal of the judges of the Court of Final Appeal shall be reported to the Standing Committee of the National People's Congress for the record.

**Article 88** The presidents of courts of the Macao Special Administrative Region at all levels shall be chosen from among judges and appointed by the Chief Executive. The President of the Court of Final Appeal of the Macao Special Administrative Region shall be a Chinese citizen who is a permanent resident of the Region. The appointment and removal of the President of the Court of Final Appeal shall be reported to the Standing Committee of the National People's Congress for the record.

**Article 89** The judges of the Macao Special Administrative Region shall exercise judicial power according to law, instead of according to any order or instruction, except in the situation as prescribed in paragraph 3 of Article 19 of this Law. Judges shall be immune from legal action for discharging his or her judicial functions. During the term of his or her office, a judge shall not Concurrently assume other public or private posts, nor shall he or she assume any post in organizations of a political nature.

**Article 90** The procuratorates of the Macao Special Administrative Region shall exercise procuratorial functions as vested by law, independently and free from any interference. The Procurator-General of the Macao Special Administrative Region shall be a Chinese citizen who is a permanent resident of the Region, shall be nominated by the Chief Executive and appointed by the Central People's Government. Procurators shall be nominated by the Procurator-General and appointed by the Chief Executive. The structure, powers and functions as well as operation of the procuratorates shall be prescribed by law.

**Article 91** The system previously in force in Macao for appointment and removal of supporting members of the judiciary shall be maintained.

**Article 92** On the basis of the system previously operating in Macao, the Government of the Macao Special Administrative Region may make provisions for local lawyers and lawyers from outside Macao to practise in the Region.

**Article 93** The Macao Special Administrative Region may, through consultations and in accordance with law, maintain judicial relations with the judicial organs of other parts of the country, and they may render assistance to each other.

**Article 94** With the assistance or authorization of the Central People's Government, the Macao Special Administrative Region may make appropriate arrangements with foreign states for reciprocal judicial assistance.

## **Section 5 Municipal Organs**

**Article 95** Municipal organizations which are not organs of political power may be established in the Macao Special Administrative Region. Entrusted by the government of the Region, they shall provide services in such fields as culture, recreation and environmental sanitation, and shall be consulted by the government of the Region on the above mentioned affairs.

**Article 96** The functions, powers and structure of the municipal organizations shall be prescribed by law.

## **Section 6 Public Servants**

**Article 97** Public servants serving in the Macao Special Administrative Region must be permanent residents of the Region, except for those as prescribed by Articles 98 and 99 of this Law and except for technical personnel of certain professions and junior public servants recruited by the Government of the Macao Special Administrative Region.

**Article 98** Upon the establishment of the Macao Special Administrative Region, public servants including the police and supporting members of the judiciary previously serving in Macao may all remain in employment, continue service and retain their seniority with pay, allowances, benefits and conditions of service no less favourable than before. The Government of the Macao Special Administrative Region shall pay to the above mentioned public servants who are entitled to pensions and allowances under the laws previously in force in Macao and who remain in employment and retire after the establishment of the Macao Special Administrative Region, or to their dependents, all pensions and allowances due to them on terms no less favourable than before, and irrespective of their nationality or place of residence.

**Article 99** The Government of the Macao Special Administrative Region may employ Portuguese and other foreign nationals previously serving in the public service in Macao, or those holding permanent identity cards of the Region, to serve as public servants in government departments at all levels, unless otherwise provided by this Law. The relevant government departments of the Macao Special Administrative Region may also employ Portuguese and other foreign nationals as advisers or to fill professional and technical posts. These individuals shall be employed only in their individual capacities and shall be responsible to the Government of the Macao Special Administrative Region.

**Article 100** The appointment and promotion of public servants shall be on the basis of their qualifications, experience and ability. Macao's previous system of employment, discipline, advanced and regular promotion may basically remain unchanged, but may be improved along with the development of the Macao society.

## **Section 7 Swearing Allegiance**

**Article 101** The Chief Executive, principal officials, members of the Executive Council and of the Legislative Council, judges and procurators in the Macao Special Administrative Region must uphold the Basic Law of the Macao Special Administrative Region of the People's Republic of China, devote themselves to their duties, be honest in performing official duties, swear allegiance to the Macao Special Administrative Region and take an oath to this effect in accordance with law.

**Article 102** When assuming office, the Chief Executive, principal Officials, President of the Court of Final Appeal and Procurator-General of the Macao Special Administrative

Region must swear allegiance to the People's Republic of China, apart from taking the oath under Article 101.

## **Chapter V Economy**

**Article 103** The Macao Special Administrative Region shall, in accordance with law, protect the right of individuals and legal persons to the acquisition, use, disposal and inheritance of property and their right to compensation for lawful deprivation of their property. Such compensation shall correspond to the real value of the property concerned at the time and shall be freely convertible and paid without undue delay. The ownership of enterprises and the investments from outside the Region shall be protected by law.

**Article 104** The Macao Special Administrative Region shall have independent finances. All the financial revenues of the Macao Special Administrative Region shall be managed and controlled by the Region itself and shall not be handed over to the Central People's Government. The Central People's Government shall not levy taxes in the Macao Special Administrative Region.

**Article 105** The Macao Special Administrative Region shall follow the principle of keeping expenditure within the limits of revenues in drawing up its budget, and strive to achieve a fiscal balance, avoid deficits and keep the budget commensurate with the growth rate of its gross domestic product.

**Article 106** The Macao Special Administrative Region shall practise an independent taxation system. The Macao Special Administrative Region shall, taking the low tax policy previously pursued in Macao as reference, enact laws, on its own, concerning types of taxes, tax rates, tax reductions, allowances and expenditures, and other matters of taxation. The taxation system for franchised businesses shall be otherwise prescribed by law.

**Article 107** The monetary and financial systems of the Macao Special Administrative Region shall be prescribed by law. The Government of the Macao Special Administrative Region shall, on its own, formulate monetary and financial policies, safeguard the free operation of financial markets and all kinds of financial institutions, and regulate and supervise them in accordance with law.

**Article 108** The Macao Pataca, as the legal tender in the Macao Special Administrative Region, shall continue to circulate. The authority to issue Macao currency shall be vested in the Government of the Macao Special Administrative Region. The issue of Macao currency must be backed by a 100 per cent reserve fund. The system regarding the issue of Macao currency and the reserve fund system shall be prescribed by law. The Government of the Macao Special Administrative Region may authorize designated banks to perform or continue to perform the function of its agents in the issuance of Macao currency.

**Article 109** No foreign exchange control policies shall be applied in the Macao Special Administrative Region. The Macao Pataca shall be freely convertible. The foreign exchange reserve of the Macao Special Administrative Region shall be managed and controlled by the Government of the Macao Special Administrative Region according to law. The Government of the Macao Special Administrative Region shall safeguard the free flow of capital within, into and out of the Region.

**Article 110** The Macao Special Administrative Region shall maintain the status of a free port and shall not impose any tariff unless otherwise prescribed by law.

**Article 111** The Macao Special Administrative Region shall pursue the policy of free trade and safeguard the free movement of goods, intangible assets and capital.

**Article 112** The Macao Special Administrative Region shall be a separate customs territory. The Macao Special Administrative Region may, using the name "Macao, China", participate in relevant international organizations and international trade agreements (including preferential trade arrangements), such as the General Agreement on Tariffs and Trade and arrangements regarding international trade in textiles. Export quotas, tariff preferences and other similar arrangements, which are obtained or made by the Macao Special Administrative Region or which were obtained or made but remain valid, shall be enjoyed exclusively by the Region.

**Article 113** The Macao Special Administrative Region may issue its own certificates of origin for products in accordance with prevailing rules of origin.

**Article 114** The Macao Special Administrative Region shall, in accordance with law, protect the free operation of industrial and commercial enterprises and make its own policies on the development of industry and commerce. The Government of the Macao Special Administrative Region shall improve the economic environment and provide legal guarantees for promoting the development of industry and commerce and for encouraging investments, technological progress and development of new industries and new markets.

**Article 115** The Macao Special Administrative Region, in the light of its economic development, shall make labour policy and improve labour law on its own. The Macao Special Administrative Region shall establish consultative co-ordination organisations composed of representatives from the government, the employers' organizations and the employees' organizations.

**Article 116** The Macao Special Administrative Region shall maintain and improve Macao's previous systems of shipping management and shipping regulation, and make shipping policy on its own. The Macao Special Administrative Region shall be authorized by the Central People's Government to maintain a shipping register and issue related certificates under its legislation, using the name "Macao, China". With the exception of foreign warships, access for which requires the special permission of the Central People's Government, ships shall enjoy access to the ports of the Macao Special

Administrative Region in accordance with the laws of the Region. Private shipping businesses and shipping-related businesses and terminals in the Macao Special Administrative Region may continue to operate freely.

**Article 117** The Government of the Macao Special Administrative Region may, with the authorization of the Central People's Government, formulate, on its own, various systems for the civil aviation management.

**Article 118** The Macao Special Administrative Region shall, on its own, make policies on tourism and recreation in the light of its overall interests.

**Article 119** The Macao Special Administrative Region shall carry out the protection of environment in accordance with law.

**Article 120** The Macao Special Administrative Region shall, in accordance with law, recognize and protect all the lawful leases of land granted or decided upon before the establishment of the Macao Special Administrative Region which extend beyond 19 December 1999, and all rights in relation to such leases. The grant or renewal of land leases after the establishment of the Macao Special Administrative Region shall be dealt with in accordance with the relevant land laws and policies of the Region.

## **Chapter VI Culture and Social Affairs**

**Article 121** The Government of the Macao Special Administrative Region shall, on its own, formulate policies on education, including policies regarding the educational system and its administration, the language of instruction, the allocation of funds, the examination system, the recognition of educational qualifications and the system of academic awards so as to promote educational development. The Government of the Macao Special Administrative Region shall, in accordance with law, gradually institute a compulsory education system. Community organizations and individuals may, in accordance with law, run educational undertakings of various kinds.

**Article 122** The existing educational institutions of all kinds in Macao may continue to operate. All educational institutions in the Macao Special Administrative Region shall enjoy their autonomy and teaching and academic freedom in accordance with law. Educational institutions of all kinds may continue to recruit staff and use teaching materials from outside the Macao Special Administrative Region. Students shall enjoy freedom of choice of educational institutions and freedom to pursue their education outside the Macao Special Administrative Region.

**Article 123** The Government of the Macao Special Administrative Region shall, on its own, formulate policies to improve medical and health services and to develop Western and traditional Chinese medicine. Community organizations and individuals may provide various medical and health services in accordance with law.

**Article 124** The Government of the Macao Special Administrative Region shall, on its own, formulate policies on science and technology and protect by law achievements in scientific and technological research, patents, discoveries and inventions. The Government of the Macao Special Administrative Region shall, on its own, decide on the scientific and technological standards and specifications applicable in Macao.

**Article 125** The Government of the Macao Special Administrative Region shall, on its own, formulate policies on culture, including literature, art, broadcasting, film and television programs. The Government of the Macao Special Administrative Region shall protect by law the achievements and the lawful rights and interests of authors in their literary, artistic and other creation. The Government of the Macao Special Administrative Region shall protect by law scenic spots, historical sites and other historical relics as well as the lawful rights and interests of the owners of antiques.

**Article 126** The Government of the Macao Special Administrative Region shall, on its own, formulate policies on press and publication.

**Article 127** The Government of the Macao Special Administrative Region shall, on its own, formulate policies on sports. Non-governmental sports organizations may continue to exist and develop in accordance with law.

**Article 128** The Government of the Macao Special Administrative Region, consistent with the principle of religious freedom, shall not interfere in the internal affairs of religious organizations or in the efforts of religious organizations and believers in Macao to maintain and develop relations with their counterparts outside Macao, or restrict religious activities which do not contravene the laws of the Region. Religious organizations may, in accordance with law, run seminaries and other schools, hospitals and welfare institutions and to provide other social services. Schools run by religious organizations may continue to provide religious education, including courses in religion. Religious organizations shall, in accordance with law, enjoy the rights to acquire, use, dispose of and inherit property and the right to receive donations. Their previous property rights and interests shall be protected by law.

**Article 129** The Government of the Macao Special Administrative Region shall, on its own, establish a system concerning the professions and, based on impartiality and rationality, formulate provisions for assessing professional qualifications or qualifications for practice in the various professions and issuing corresponding certificates. Persons with professional qualifications or qualifications for professional practice obtained prior to the establishment of the Macao Special Administrative Region may retain their previous qualifications in accordance with the relevant regulations of the Macao Special Administrative Region. The Government of the Macao Special Administrative Region shall, in accordance with the relevant regulations, recognize the professions and the professional organizations recognized prior to the establishment of the Region and may, as required by social development and in consultation with the parties concerned, recognize new professions and professional organizations.

**Article 130** On the basis of the previous social welfare system, the Government of the Macao Special Administrative Region shall, on its own, formulate policies on the development and improvement of the social welfare system in the light of the economic conditions and social needs.

**Article 131** Local organizations providing social services in the Macao Special Administrative Region may, on their own, decide their forms of service, providing that the law is not contravened.

**Article 132** The Government of the Macao Special Administrative Region shall, when necessary and possible, gradually improve the policy previously practised in Macao in respect of subventions for non-governmental organizations in fields such as education, science, technology, culture, sports, recreation, medicine and health, social welfare and social work.

**Article 133** The relationship between non-governmental organizations in fields such as education, science, technology, culture, news media, publication, sports, recreation, the professions, medicine and health, labour, women, youth, returned overseas nationals, social welfare and social work as well as religious organizations in the Macao Special Administrative Region and their counterparts in other parts of the country shall be based on the principles of non-subordination, non-interference and mutual respect.

**Article 134** Non-governmental organizations in fields such as education, science, technology, culture, news media, publication, sports, recreation, the professions, medicine and health, labour, women, youth, returned overseas nationals, social welfare and social work as well as religious organizations in the Macao Special Administrative Region may maintain and develop relations with their counterparts in foreign countries and regions and with relevant international organizations. They may, as required, use the name "Macao, China" in the relevant activities.

## **Chapter VII External Affairs**

**Article 135** Representatives of the Government of the Macao Special Administrative Region may, as members of delegations of the Government of the People's Republic of China, participate in negotiations at the diplomatic level directly affecting the Region conducted by the Central People's Government.

**Article 136** The Macao Special Administrative Region may, on its own, using the name "Macao, China", maintain and develop relations and conclude and implement agreements with foreign states and regions and relevant international organizations in the appropriate fields, including the economic, trade, financial and monetary, shipping, communications, tourism, cultural, science and technology, and sports fields.

**Article 137** Representatives of the Government of the Macao Special Administrative Region may, as members of delegations of the People's Republic of China, participate in international organizations or conferences in appropriate fields limited to states and



affecting the Region, or may attend in such other capacity as may be permitted by the Central People's Government and the international organizations or conference Concerneds and may express their views, using the name "Macao, China". The Macao Special Administrative Region may, using the name "Macao, China", participate in international organizations and conferences not limited to states. The Central People's Government shall, in accordance with the circumstances and needs of the Region, take measures to ensure that the Macao Special Administrative Region shall continue to retain its status in an appropriate capacity in those international organizations of which the People's Republic of China is a member and in which Macao participates in one capacity or another. The Central People's Government shall, in accordance with the circumstances and needs of the Region, facilitate the continued participation of the Macao Special Administrative Region in an appropriate capacity in those international organizations in which Macao is a participant in one capacity or another, but of which the People's Republic of China is not a member.

**Article 138** The application to the Macao Special Administrative Region of international agreements to which the People's Republic of China is a member or becomes a party shall be decided by the Central People's Government, in accordance with the circumstances and needs of the Region, and after seeking the views of the government of the Region. International agreements to which the People's Republic of China is not a party but which are implemented in Macao may continue to be implemented in the Macao Special Administrative Region. The Central People's Government shall, as necessary, authorize or assist the government of the Region to make appropriate arrangements for the application to the Region of other relevant international agreements.

**Article 139** The Central People's Government shall authorize the Government of the Macao Special Administrative Region to issue, in accordance with law, passports of the Macao Special Administrative Region of the People's Republic of China to all Chinese citizens who hold permanent identity cards of the Region, and travel documents of the Macao Special Administrative Region of the People's Republic of China to all other persons lawfully residing in the Region. The above passports and travel documents shall be valid for all states and regions and shall record the holder's right to return to the Region. The Government of the Macao Special Administrative Region may apply immigration controls on entry into, stay in and departure from the Region by persons from foreign states or regions.

**Article 140** The Central People's Government shall assist or authorize the Government of the Macao Special Administrative Region to negotiate and conclude visa abolition agreements with relevant foreign states or regions.

**Article 141** The Macao Special Administrative Region may, as necessary, establish official or semi-official economic and trade missions in foreign countries and shall report the establishment of such missions to the Central People's Government for the record.

**Article 142** The establishment of foreign consular and other official or semi-official missions in the Macao Special Administrative Region shall require the approval of the

Central People's Government. Consular and other official missions established in Macao by states which have 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 established in Macao by states which have no formal diplomatic relations with the People's Republic of China may either remain or change to semi-official missions. States not recognized by the People's Republic of China may only establish non-governmental institutions in the Region.

## **Chapter VIII Interpretation and Amendment of the Basic Law**

**Article 143** The power of interpretation of this Law shall be vested in the Standing Committee of the National People's Congress. The Standing Committee of the National People's Congress shall authorize the courts of the Macao Special Administrative Region to interpret on their own, in adjudicating cases, the provisions of this Law which are within the limits of the autonomy of the Region. The courts of the Macao Special Administrative Region may also interpret other provisions of this Law in adjudicating cases. However, if the courts of the Region, in adjudicating cases, need to interpret the provisions of this Law concerning affairs which are the responsibility of the Central People's Government, or concerning the relationship between the Central Authorities and the Region, and if such interpretation will affect the judgments in the cases, the courts of the Region shall, before making their final judgments which are not appealable, seek an interpretation of the relevant provisions from the Standing Committee of the National People's Congress through the Court of Final Appeal of the Region. When the Standing Committee makes an interpretation of the provisions concerned, the courts of the Region, in applying those provisions, shall follow the interpretation of the Standing Committee. However, judgments previously rendered shall not be affected. The Standing Committee of the National People's Congress shall consult its Committee for the Basic Law of the Macao Special Administrative Region before giving an interpretation of this Law.

**Article 144** The power of amendment of this Law shall be vested in the National People's Congress. The power to propose bills for amendments to this Law shall be vested in the Standing Committee of the National People's Congress, the State Council, and the Macao Special Administrative Region. Amendment bills from the Macao Special Administrative Region shall be submitted to the National People's Congress by the delegation of the Region to the National People's Congress after obtaining the consent of two-thirds of the deputies of the Region to the National People's Congress, two-thirds of all the members of the Legislative Council of the Region, and the Chief Executive of the Region. Before a bill for amendment to this Law is put on the agenda of the National People's Congress, the Committee for the Basic Law of the Macao Special Administrative Region shall study it and submit its views. No amendment to this Law shall contravene the established basic policies of the People's Republic of China regarding Macao.

## **Chapter IX Supplementary Provisions**

**Article 145** Upon the establishment of the Macao Special Administrative Region, the laws previously in force in Macao shall be adopted as laws of the Region except for those which the Standing Committee of the National People's Congress declares to be in contravention of this Law. If any laws are later discovered to be in contravention of this Law, they shall be amended or cease to have force in accordance with the provisions of this Law and legal procedure. Documents, certificates and contracts valid under the laws previously in force in Macao, and the rights and obligations provided for in such documents, certificates or contracts shall continue to be valid and be recognized and protected by the Macao Special Administrative Region, provided that they do not contravene this Law. The contracts signed by the Portuguese Macao Government whose terms of validity extend beyond 19 December 1999 shall continue to be valid except those which a body authorized by the Central People's Government publicly declares to be inconsistent with the provisions about transitional arrangements contained in the Sino-Portuguese Joint Declaration and which need to be re-examined by the Government of the Macao Special Administrative Region.

### **Annex I Method for the Selection of the Chief Executive of the Macao Special Administrative Region**

1. The Chief Executive shall be elected by a broadly representative Election Committee in accordance with this Law and appointed by the Central People's Government.

2. The Election Committee shall be composed of 300 members from the following sectors:

Industrial, commercial and financial sectors: 100

Cultural and educational sectors and other professions: 80

Labor, social services, religious and other sectors: 80

Representatives of members of the Legislative Council, representatives of members of the municipal organs, Macao deputies to the National People's Congress, and representatives of Macao members of the National Committee of the Chinese People's Political Consultative Conference:40

The term of office of the Election Committee shall be five years.

3. The delimitation of the various sectors, the organizations in each sector eligible to return Election Committee members and the number of such members returned by each of these organizations shall be prescribed by an electoral law enacted by the Macao Special Administrative Region in accordance with the principles of democracy and openness. Corporate bodies in various sectors shall, on their own, elect members to the Election Committee, in accordance with the number of seats allocated and the election

methods as prescribed by the electoral law. Members of the Election Committee shall vote in their individual capacities.

4. Candidates for the office of Chief Executive may be nominated jointly by not less than 50 members of the Election Committee. Each member may nominate only one candidate.

5. The Election Committee shall, on the basis of the list of the nominees, elect the Chief Executive designate by secret ballot on a one-person-one-vote basis. The specific election method shall be prescribed by the electoral law.

6. The first Chief Executive shall be selected in accordance with the "Decision of the National People's Congress on the Method for the Formation of the First Government, the First Legislative Council and the First Judiciary of the Macao Special Administrative Region".

7. If there is a need to amend the method for selecting the Chief Executive for the terms subsequent to the year 2009, such amendments must be made with the endorsement of a two-thirds majority of all the members of the Legislative Council and the consent of the Chief Executive, and they shall be reported to the Standing Committee of the National People's Congress for approval.

## **Annex II Method for the Formation of the Legislative Council of the Macao Special Administrative Region**

1. In the first term, the Legislative Council shall be formed in accordance with the Decision of the National People's Congress on the Method for the Formation of the First Government, the First Legislative Council and the First Judiciary of the Macao Special Administrative Region".

The Legislative Council in the second term shall be composed of 27:

Members directly returned: 10

Members indirectly returned: 10

Appointed members: 7

The Legislative Council in the third and subsequent terms shall be composed of 29:

Members directly returned: 12

Members indirectly returned: 10

Appointed members: 7

2. The method for electing members of the Legislative Council shall be specified by an electoral law introduced by the Government of the Macao Special Administrative Region and passed by the Legislative Council.

3. If there is a need to change the method for forming the Legislative Council of the Macao Special Administrative Region in and after 2009, such amendments must be made with the endorsement of a two-thirds majority of all the members of the Council and the consent of the Chief Executive, and they shall be reported to the Standing Committee of the National People's Congress for the record.

### **Annex III National Laws to Be Applied in the Macao Special Administrative Region**

The following national laws shall be applied locally with effect from 20 December 1999 by way of promulgation or legislation by the Macao Special Administrative Region:

1. Resolution on the Capital, Calendar, National Anthem and National Flag of the People's Republic of China;
2. Resolution on the National Day of the People's Republic of China;
3. Nationality Law of the People's Republic of China;
4. Regulations of the People's Republic of China Concerning Diplomatic Privileges and Immunities;
5. Regulations of the People's Republic of China Concerning Consular Privileges and Immunities;
6. Law on the National Flag of the People's Republic of China;
7. Law on the National Emblem of the People's Republic of China;
8. Law of the People's Republic of China on the Territorial Sea and the Contiguous Zone;
9. Law of the People's Republic of China on the Exclusive Economic Zone and the Continental Shelf;
10. Law of the People's Republic of China on the Garrisoning of the Macao Special Administrative Region. .

### **Decision of the National People's Congress on the Basic Law of the Macao Special Administrative Region of the People's Republic of China**

*(Adopted by the Eighth National People's Congress at its First Session on 31 March 1993)*

The Eighth National People's Congress at its First Session adopts the Basic Law of the Macao Special Administrative Region of the People's Republic of China, including Annex I, "Method for the Selection of the Chief Executive of the Macao Special Administrative Region", Annex II, " Method for the Formation of the Legislative Council of the Macao Special Administrative Region", Annex III, " National Laws to Be Applied in the Macao Special Administrative Region", and the designs of the regional flag and regional emblem of the Macao Special Administrative Region. Article 31 of the Constitution of the People's Republic of China provides: "The state may establish special administrative regions when necessary. The systems to be instituted in special administrative regions shall be prescribed by law enacted by the National People's Congress in the light of the specific conditions." The Basic Law of the Macao Special Administrative Region is constitutional as it is enacted in accordance with the Constitution of the People's Republic of China in the light of the specific conditions of Macao. The systems, policies and laws to be instituted after the establishment of the Macao Special Administrative Region shall be based on the Basic Law of the Macao Special Administrative Region.

The Basic Law of the Macao Special Administrative Region of the People's Republic of China shall be put into effect as of 20 December 1999.

### **Decision of the National People's Congress on the Establishment of the Macao Special Administrative Region of the People's Republic of China**

*(Adopted by the Eighth National People's Congress at its First Session on 31 March 1993)*

In accordance with the provisions of Article 31 and subparagraph 13 of Article 62 of the Constitution of the People's Republic of China, the Eighth National People's Congress decides at its First Session: 1. that the Macao Special Administrative Region is to be established as of 20 December 1999; and 2. that the area of the Macao Special Administrative Region covers the Macao Peninsula, Taipa Island and Coloane Island. The map of the administrative division of the Macao Special Administrative Region will be published by the State Council separately.

### **Decision of the National People's Congress on the Method for the Formation of the First Government, the First Legislative Council and the First Judiciary of the Macao Special Administrative Region**

*(Adopted by the Eighth National People's Congress at its First Session on 31 March 1993)*

1. The First Government, the First Legislative Council and the First Judiciary shall be formed in accordance with the principles of state sovereignty and smooth transition.
2. The National People's Congress shall establish a Preparatory Committee for the Macao Special Administrative Region, which shall be responsible for preparing the establishment of the Region and shall prescribe the specific method for forming the First Government, the First Legislative Council and the First Judiciary in accordance with this

Decision. The Preparatory Committee shall be composed of mainland members and of Macao members who shall constitute not less than 50 per cent of its membership. Its chairman and members shall be appointed by the Standing Committee of the National People's Congress.

3. The Preparatory Committee for the Macao Special Administrative Region shall be responsible for preparing the establishment of the Selection Committee for the First Government of the Macao Special Administrative Region ("the Selection Committee").

The Selection Committee shall be composed entirely of permanent residents of Macao and must be broadly representative. It shall include Macao deputies to the National People's Congress, representatives of Macao members of the National Committee of the Chinese People's Political Consultative Conference, persons with practical experience who have served in Macao's executive, legislative and advisory organs prior to the establishment of the Macao Special Administrative Region, and persons representative of various strata and sectors of society.

The Selection Committee shall be composed of 200 members, among whom:

Industrial, commercial and financial sectors: 60

Cultural and educational sectors and other professions: 50

Labour, social services, religious and other sectors: 50

Former political figures, Macao deputies to the National People's Congress, and representatives of the Macao members of the National Committee of the Chinese People's Political Consultative Conference: 40

4. The Selection Committee shall recommend the candidate for the first Chief Executive through local consultations or through nomination and election after consultation, and report the recommended candidate to the Central People's Government for appointment. The term of office of the first Chief Executive shall be the same as the regular term.

5. The Chief Executive of the Macao Special Administrative Region shall be responsible for preparing the formation of the First Government of the Region in accordance with this Law.

6. The First Legislative Council of the Macao Special Administrative Region shall be composed of 23 members, with 8 members returned through direct elections, 8 members returned through indirect elections, and 7 members appointed by the Chief Executive. If the composition of the last Macao Legislative Council before the establishment of the Macao Special Administrative Region is in conformity with the relevant provisions of this Decision and the Basic Law of the Macao Special Administrative Region, those of the elected members who uphold the Basic Law of the Macao Special Administrative Region of the People's Republic of China and pledge allegiance to the Macao Special

Administrative Region of the People's Republic of China, and who meet the requirements set forth in the Basic Law of the Region may, upon confirmation by the Preparatory Committee, become members of the First Legislative Council of the Region. Any vacancy in the First Legislative Council of the Region shall be filled by a decision of the Preparatory Committee.

The term of office of members of the First Legislative Council of the Macao Special Administrative Region shall last until 15 October 2001.

7. The Preparatory Committee of the Macao Special Administrative Region shall be responsible for organizing the Court of the Macao Special Administrative Region in accordance with the Basic Law of the Region.

**Decision of the National People's Congress on Approving the Proposal by the Drafting Committee for the Basic Law of the Macao Special Administrative Region on the Establishment of the Committee for the Basic Law of the Macao Special Administrative Region under the Standing Committee of the National People's Congress**

*(Adopted by the Eighth National People's Congress at its First Session on 31 March 1993)*

The Eighth National People's Congress decides at its First Session:

1. to approve the Proposal by the Drafting Committee for the Basic Law of the Macao Special Administrative Region on the Establishment of the Committee for the Basic Law of the Macao Special Administrative Region under the Standing Committee of the National People's Congress; and
2. to establish the Committee for the Basic Law, of the Macao Special Administrative Region under the Standing Committee of the National People's Congress when the Basic Law of the Macao Special Administrative Region of the People's Republic of China is put into effect.

**Appendix**

**Proposal by the Drafting Committee for the Basic Law of the Macao Special Administrative Region on the Establishment of the Committee for the Basic Law of the Macao Special Administrative Region under the Standing Committee of the National People's Congress**

1. Name: The Committee for the Basic Law of the Macao Special Administrative Region under the Standing Committee of the National People's Congress.
2. Affiliation: To be a working committee under the Standing Committee of the National People's Congress.



3. Function: To study questions arising from the implementation of Articles 17, 18, 143 and 144 of the Basic Law of the Macao Special Administrative Region and submit its views thereon to the Standing Committee of the National People's Congress.

4. Composition: Ten members, five from the mainland and five from Macao, including persons from the legal profession, appointed by the Standing Committee of the National People's Congress for a term of office of five years. Macao members shall be Chinese citizens who are permanent residents of the Macao Special Administrative Region with no right of abode in any foreign country and shall be nominated jointly by the Chief Executive, President of the Legislative Council and President of the Court of Final Appeal of the Region for appointment by the Standing Committee of the National People's Congress.

**The design of the regional flag of the Macao Special Administrative Region of the People's Republic of China**



**The design of the regional emblem of the Macao Special Administrative Region of the People's Republic of China**

