## COLLECTION OF RULES AND REGULATIONS OF HAINAN PROVINCE

# 海南省法规规章汇编

海南省法制办公室 LEGAL AFFAIRS OFFICE OF HAINAN PROVINCE

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海南出版社

# 海南省法规规章汇编

(当英文对照本)

~ 治法制办公室 编

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### 海南省法规规章汇编(中英文对照本)

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#### 编辑说明

中国加入世界贸易组织(WTO)后,面临着更加开放的局面。WTO 的规则体系和运作机制对我国的政策、法律法规将产生重大影响,其中,WTO 一个重要的原则即透明度原则,对各成员贸易法律、法规、规章和政策措施的公开提出了很高的要求。为了适应我国对外开放的要求和加入WTO 的新形势,方便国内外人士准确地查阅海南省法规、规章的英文译本,海南省人民政府法制办公室编辑了本汇编。

本汇编选择了 1988 年建省以来海南省人民代表大会 及其常务委员会制定的地方性法规 15 件、海南省人民政 府制定的规章 7 件, 共 22 件。按发布时间先后排列, 法 规在前, 规章在后。

本汇编收入的法规规章英文译本由海南省法制办公室 组织翻译、审定。英文译本与中文本表述不一致的,以中 文本为准。

本汇编在编辑和翻译过程中,得到了海南省内有关单位和专家的大力支持和协助,在此一并致以衷心的感谢。

海南省法制办公室。 2004年10月

#### EDITOR'S NOTE

China will be confronted with a situation of further opening up upon its entry into WTO. The regulation systems and operational mechanisms of WTO will have an important impact on China's policies, laws and regulations. One of the important principles of WTO is that of transparency, which has set very high standards for the member states concerning publicity of their trade laws, rules, regulations and policy measures. To meet the demand of China's opening up and the new situation upon China's entry into WTO, the Legal Affairs Office of the Hainan Provincial People's Government has compiled the present English collection of the rules and regulations adopted by the Hainan Provincial People's Congress and promulgated by the People's Government of Hainan Province so that the people of various circles, both at home and abroad, can have access to accurate information in the fields just mentioned.

The present collection consists of 15 local regulations enacted by the Hainan Provincial People's Congress or its Standing Committee and 7 sets of rules formulated by the People's Government of Hainan Province since Hainan was established as a province in 1988, totaling 22. The rules and regulations are arranged according to the time order of promulgation, laws and rules being put ahead of regulations.

The present English collection of laws and regulations is

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### 海南经济特区外商投资条例

(1991年3月16日海南省人民代表会议常务委员会第15次会议通过 1991年5月4日公布施行)

#### 第一章 总 则

第一条 为了吸收外商投资,加快海南经济特区的开发建设,根据中华人民共和国有关法律、法规,结合海南经济特区的具体情况,制定本条例。

第二条 本条例所称外商是指来海南经济特区投资的外国的公司、企业和其他经济组织或者个人。

第三条 鼓励外商投资开发海南岛,兴办各项经济和社会事业。

第四条 海南省依法保护外商的合法权益。

**第五条** 外商的一切活动应遵守中华人民共和国的法律、法规、以及海南省的地方法规。

第六条 海南省经济合作行政主管部门是海南经济特区外商投资的主管机关。

第七条 本条例规定的出资种类包括:

- (一) 可自由兑换的外币;
- (二)外商在中国境内举办中外合资经营企业、中外合作经营企业、外资企业获得的人民币利润;
  - (三) 机器设备、原材料、其他物料;
- (四) 依照《海南经济特区土地使用权有偿出让转让规定》可以作为联营条件的土地使用权及其地上建筑物;
  - (五) 工业产权和专有技术。

第八条 本条例规定的投资方式包括:

- (一)举办中外合资经营企业、中外合作经营企业、外资企业 (以下简称外商投资企业)以及法律允许的其他类型企业;
  - (二) 开展补偿贸易、来料加工装配、合作生产;
  - (三)参股、购买已有企业;
  - (四)购买股票、债券等有价证券;
  - (五) 依法取得土地使用权,成片开发经营;
    - (六) 其他国际上通行的投资方式。

#### 第二章 企业的设立和登记

第九条 在海南经济特区设立外商投资企业,除国家另有规定外,由海南省经济合作行政主管部门以及海南省人民政府授权的机关(以下统称审批机关)审查批准,并由海南省经济合作行政主管部门核发批准证书。

**第十条** 申请设立外商投资企业,申请人须向审批机关提交下列正式文件:

- (一)设立外商投资企业申请书;
- (二)有关部门对项目建议书(包括经营特种行业专题报告)的书面答复;
- (三)项目可行性研究报告;
- (四) 合资、合作各方法人代表或授权代表签署的协议、合同和章程(外资企业只提交章程);
- (五)合资、合作企业中方须提交营业执照,外方须提供其国 外企业注册登记证明或投资者个人身份证件,外资企业须提供其国 外企业注册登记证明或投资者个人身份证件;
  - (六) 投资者的资信证明;
- (七)合资、合作企业的中方主管部门对设立合资、合作企业 的批准文件;
  - (八) 企业董事会或管理机构人选名单。
  - 第十一条 审批机关收到第十条所列的文件后, 在三十天内决

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