

Legislative Council Panel on Constitutional Affairs

Information Note

Offices set up in the Hong Kong Special Administrative Region by the Central People's Government under Article 22 of the Basic Law

Introduction

The paper provides information on the offices set up in the Hong Kong Special Administrative Region (HKSAR) by the Central People's Government (CPG) under Article 22 of the Basic Law, as requested by Members.

Offices set up by the Central People's Government in the HKSAR

2. Article 22(2) and 22(3) of the Basic Law provides that –

“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 Hong Kong 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 Hong Kong 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.”

3. Currently, the offices set up in the HKSAR by the CPG are as follows –

- (a) the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the Hong Kong Special Administrative Region (OCMFA);
- (b) the Hong Kong Garrison of the Chinese People's Liberation Army (the Hong Kong Garrison); and

- (c) the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region (the Liaison Office).

4. The OCMFA was set up according to Article 13 of the Basic Law¹. The Hong Kong Garrison was stationed in the HKSAR by the CPG according to Article 14 of the Basic Law². The Liaison Office was formerly named as the "Xinhua News Agency (Hong Kong Branch)". The change of office title took place in 2000 to reflect properly the responsibilities authorized by the CPG for the office to undertake in Hong Kong.

5. A gazette notice (copy attached) was published on 21 January 2000 to list the offices set up in the HKSAR by the CPG.

Constitutional Affairs Bureau
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¹ Article 13 of the Basic Law provides that –

The Central People's Government shall be responsible for the foreign affairs relating to the Hong Kong Special Administrative Region.

The Ministry of Foreign Affairs of the People's Republic of China shall establish an office in Hong Kong to deal with foreign affairs.

The Central People's Government authorizes the Hong Kong Special Administrative Region to conduct relevant external affairs on its own in accordance with this Law.

² Article 14 of the Basic Law provides that –

The Central People's Government shall be responsible for the defence of the Hong Kong Special Administrative Region.

The Government of the Hong Kong Special Administrative Region shall be responsible for the maintenance of public order in the Region.

Military forces stationed by the Central People's Government in the Hong Kong Special Administrative Region for defence shall not interfere in the local affairs of the Region. The Government of the Hong Kong Special Administrative Region may, when necessary, ask the Central People's Government for assistance from the garrison in the maintenance of public order and in disaster relief.

In addition to abiding by national laws, members of the garrison shall abide by the laws of the Hong Kong Special Administrative Region.

Expenditure for the garrison shall be borne by the Central People's Government.

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G.N. 300

GOVERNMENT SECRETARIAT

OFFICES SET UP IN THE HONG KONG SPECIAL
ADMINISTRATIVE REGION BY THE CENTRAL
PEOPLE'S GOVERNMENT

It is hereby notified that the office title of the 'Xinhua News Agency (Hong Kong Branch)', an office set up in the Hong Kong Special Administrative Region by the Central People's Government as notified in G.N. 3630 of 2 July 1999, has been changed to the 'Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region' with effect from 18 January 2000.

Following the change of name for the Xinhua News Agency (Hong Kong Branch), the offices set up in the Hong Kong Special Administrative Region by the Central People's Government are as follows:—

- (a) the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region;
- (b) the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the Hong Kong Special Administrative Region; and
- (c) the Hong Kong Garrison of the Chinese People's Liberation Army.