

**Meeting of the Panel on Constitutional Affairs
of the Legislative Council on 19 October 1998**

**Relationship between the HKSAR Government and
the Central People's Government**

Introduction

At the Meeting of the Constitutional Affairs held on 20 July, Members requested a briefing on the relationship between the Government of the HKSAR (HKSARG) and the Central People's Government (CPG) as well as the practical arrangements to implement the principle of "a high degree of autonomy" in the HKSAR. This note sets out the relevant information.

Guarantees in the Basic Law

2. In accordance with the "One Country, Two Systems" principle, Article 22 of the Basic Law (BL22) provides that no department of the CPG and no province, autonomous region, or municipality may interfere in the affairs which the HKSAR administers on its own in accordance with the Basic Law. The same article also provides that all Mainland authorities in HKSAR and their personnel shall abide by the laws of the HKSAR.

3. Under Article 14 of Basic Law, military forces stationed by the CPG in the HKSAR for defense shall not interfere with the local affairs of the HKSAR. The Garrison Law, which has been included in Annex III to the Basic Law, sets out the broad legal framework applicable to the People's Liberation Army Forces in the HKSAR and the circumstances under which members of the Forces are subject to the criminal and civil jurisdictions of HKSAR courts.

4. Fifteen months after reunification, the principles of "One Country, Two Systems", a "high degree of autonomy" and "Hong Kong people running Hong Kong" are firmly in place. In accordance with the

relevant Basic Law provisions, the HKSARG has developed a cordial and effective relationship with the CPG.

Working Relationship with Hong Kong and Macau Affairs Office

5. To ensure that Mainland authorities at all levels conduct business with the HKSAR in line with the above Basic Law articles, the Hong Kong and Macau Affairs Office (HKMAO) of the State Council has been assigned the role of a “gate-keeper” for the Mainland authorities at both the central and local levels.

6. In addition to acting as a “gate-keeper”, the HKMAO also facilitates communication between HKSARG and the Mainland authorities (e.g. by assisting HKSARG in organising visits to the Mainland). The HKMAO has also proven to be helpful when we need their assistance e.g. they have helped us when some Hong Kong people were found missing in a mountain in Xinjiang.

Working Relationship with Commissioner’s Office of the Ministry of Foreign Affairs

7. One of HKSARG’s major tasks is conduct HKSAR’s external affairs according to the relevant provisions of the Basic Law. Through practical experience, we have developed a cordial and constructive working relationship with the Commissioner’s Office of the Ministry of Foreign Affairs (MFA Office) in the HKSAR in handling our external affairs. Both parties work in strict accordance with the Basic Law, and are committed to implementing the principle of “One Country, Two Systems”.

8. In the past 15 months, we have concluded 21 bilateral agreements in various areas and obtained authorisation from the CPG to conclude another 23 bilateral agreements. Representatives of the HKSARG participated as members of the PRC delegation more than 60 times in international conferences limited to states. The attendance by expatriate

civil servants in international conferences as part of the PRC delegation has clearly demonstrated the full and faithful implementation of the “One Country, Two Systems” principle in the HKSAR. In addition, HKSARG representatives also took part on our own using the name “Hong Kong, China” nearly 900 times in international conferences not limited to states. With the assistance and support of the CPG, the Bank of International Settlement established its first Asian representative office in the HKSAR this July.

9. We are grateful for the support given by the CPG and the assistance rendered by the MFA Office. We will continue to co-operate closely with the MFA Office and to further develop and strengthen our working relationship in accordance with the provisions of the Basic Law and the principles of “One Country, Two Systems”.

Working Relationship with Hong Kong Garrison

10. On the basis of non-subordination, non-interference and mutual respect, the HKSARG and the Hong Kong Garrison have established a close and harmonious working relationship. While Security Bureau is the main contact point between the HKSARG and the Garrison, other departments, such as Architectural Services Department, Civil Aviation Department and the Hong Kong Observatory, maintain an effective contact with the Garrison over day-to-day operational matters.

Establishment of the Beijing Office

12. We believe the establishment of an Office of the Government of the HKSAR (HKSARG) in Beijing will further enhance our liaison and communications with the CPG and other Mainland authorities, and deepen our mutual understanding. This is not only conducive to the implementation of the principle of “One Country, Two Systems”, but also provides an additional channel for us to engage each other in constructive and detailed discussions on matters of mutual concern.

13. The resources for the setting up of the Beijing Office was approved by the Finance Committee of the Provisional Legislative Council in March 1998. Since then, the HKSARG has been making all necessary preparations for the establishment of the Office. Our target is to set up the Office in the first quarter of 1999.

Constitutional Affairs Bureau

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