

PROGRESS REPORT OF
THE SUBGROUP ON EDUCATION, SCIENCE, TECHNOLOGY,
CULTURE, SPORTS, AND RELIGION

香港
基本
法
諮詢
委員會
法律
顧問
處

22 August 1987

Mr Chairman, Messrs Vice-Chairmen, and Members,

The Subgroup on Education, Science, Technology, Culture, Sports, and Religion has held four meetings (being its fourth, fifth, sixth, and seventh meetings) since it conducted its survey in Hong Kong in September 1986. Its fourth meeting was held in Beijing on 3 December 1986; its fifth meeting, in Kunming on 16 and 17 February 1987; its sixth meeting in Beijing on 17 April 1987; and its seventh meeting in Guangzhou on 3 and 4 June 1987.

After the fourth meeting, Mr Qian Weichang prepared the draft provisions of Chapter 6 in accordance with the views of members of this Subgroup and the "Structure of the Basic Law (Draft)" and with reference to the opinions of members of the Consultative Committee (CCBL) in Hong Kong. At the fifth meeting held in Kunming, members went over the draft provisions one by one and came up with the second draft of Chapter 6. On 3 March 1987, Mr Qian Weichang and Mr Ma Lin, co-convenors of the Subgroup jointly forwarded the second draft to some Hong Kong drafters, members of the Special Group on Culture, Education, Technology, and Religion of the CCBL in Hong Kong and other persons concerned, totalling 85 persons, and in the covering letter, their comments were

invited. At the seventh meeting in Guangzhou members of the Subgroup conscientiously studied the comments and proposals thus collected, as well as the final reports of the corresponding Special Group of the CCBL. The provisions were further revised and a discussion draft was prepared. The discussion draft of Chapter 6 of the Basic Law on education, science, technology, culture, sports, and religion of the HKSAR preliminarily passed by the Subgroup (and the notes appended to it) is now submitted to the fifth plenary session of the Drafting Committee for discussion.

Subgroup on Education, Science, Technology,
Culture, Sports, and Religion

Article 1: The HKSAR shall maintain the educational system previously practised in Hong Kong.

The development and improvement of educational undertakings in the HKSAR shall be decided by the HKSAR Government on its own.

Article 2: The HKSAR Government shall on its own decide policies of this SAR in the fields of education, including policies regarding the educational system and its administration, the language of instruction, the allocation of funds, the examination system, the system of academic awards and the recognition of educational and technological qualifications.

Community organisations and individuals may run different kinds of educational undertakings in the HKSAR in accordance with law.

Article 3: Educational institutions of all kinds may retain their autonomy and have academic freedom. They may continue to recruit staff and use teaching material from outside the HKSAR. Educational institutions run by religious organisations may continue to offer courses on religious education.

Students shall enjoy freedom of choice of education and freedom to pursue their education outside the HKSAR.

Article 4: The HKSAR Government shall develop medical and health services, develop modern medicine and traditional Chinese medicine, encourage and support community and private organisations to set up medical and health facilities of all kinds.

Article 5: The HKSAR Government shall promote the development of scientific and technological undertakings. It shall reward and protect achievements, inventions and discoveries in scientific and technological researches, and scientific and technological innovations.

The HKSAR Government shall decide on its own standards and specifications relating to science and technology.

Article 6: The HKSAR Government shall promote the development of cultural undertakings. It shall reward and protect achievements, honours and legitimate rights and interests acquired by authors in cultural creation.

Article 7: The HKSAR Government shall not interfere with or restrict religious activities or internal affairs of religious organisations. Religious activities shall not contravene the laws of the HKSAR.

Religious organisations shall, in accordance with law, enjoy rights concerning the acquisition, use, disposal, and inheritance

of property and the right to receive financial assistance. The previous rights and interests in respect of property shall be maintained and protected.

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Religious educational institutions and other educational institutions, hospitals, welfare institutions, and other social services run by religious organisations may be continued and developed in accordance with previous practice.

[Note] Some members proposed that the following clause be added to this Article: "The HKSAR Government shall list as public holidays religious commemoration days and folk festivals such as Buddhist festival, Christmas, and Easter." On the other hand, some members held that if the Basic Law specifically provided for religious holidays, other sectors might demand the provision for the holidays relevant to their sectors as well. Hence, it would not be appropriate to have any specific provision on this issue.

A member proposed that the following provision be added: "The HKSAR Government shall protect the existing rights of religious and charitable organisations in accordance with law, for example, those relating to the allocation of land, renewal of land leases, exemption from tax and rates payment, etc., shall be retained." Some members held that the foregoing proposal was within the scope of economy and should be dealt with by the Subgroup on Economy.

Article 8: Religious organisations and believers may maintain their previous relations with religious organisations and believers elsewhere.

Article 9: The HKSAR Government shall on its own decide the way to accredit and confer qualifications for professional practice.

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Those who have obtained qualifications for professional practice before the establishment of the HKSAR may maintain their previous qualifications.

The HKSAR shall maintain the professions and professional organisations which have been recognised before the establishment of the HKSAR, and shall recognise new professions and professional organisations in accordance with the needs in social development.

[Note] A member suggested that the provision should also state that professional organisations may on their own decide professional qualifications, determine the standards of their respective professions, and decide and implement the codes of practice of their respective professions. The majority of members considered that such questions were internal affairs of professional organisations and should not be written in the Basic Law.

Article 10: The HKSAR Government shall support and develop sporting activities. Previous non-governmental sports organisations may continue to exist and develop in accordance with law.

Article 11: The HKSAR shall maintain the policy previously practised in Hong Kong regarding the provision of subventions to organisations in all fields, including education, medicine, culture, arts, recreation, sports, social welfare, and social work. After the establishment of the HKSAR, personnel previously serving in subvented organisations in Hong Kong may remain in employment in accordance with the previous system.

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-Article 12: The HKSAR Government shall maintain the previous social welfare in Hong Kong and decide on its own the development and improvement of social welfare in accordance with economic conditions and social needs.

Article 13: Voluntary organisations engaged in social service in the HKSAR may on their own decide their forms of service.

Article 14: The HKSAR shall on its own formulate laws and policies regarding labour in the light of economic development, social needs, and the actual circumstances of labour-management consultations.

Article 15: The relationship between non-governmental organisations of all fields, including education, science, technology, culture, sports, the professions, and social welfare, in the HKSAR as well as religious organisations in the HKSAR, and their counterparts in the mainland shall abide by the principles of non-subordination, non-interference, and mutual respect.

Article 16: Organisations in all fields, including education, science, technology, culture, sports, health, the professions, social welfare and religion, in the HKSAR may, using the name "Hong Kong, China", maintain and develop relations with states, regions and relevant international organisations.

[Note] If the above contents regarding organisations in all fields, including education, science, technology, sports, health, the professions, social welfare and religion were added to a relevant provision in Chapter 7 on External Affairs of the HKSAR, this Article could be deleted.