

香港基本法諮詢委員會  
一九八九年一月九日

REPORT OF THE SUBGROUP ON EDUCATION,  
SCIENCE, CULTURE, RELIGION, LABOUR AND SOCIAL SERVICES  
REGARDING THE AMENDMENTS TO THE ARTICLES

(9 January 1989)

Chairmen, Vice-Chairmen, Fellow Members,

After the seventh plenary session of the Drafting Committee for the Basic Law, a five-month consultation exercise was conducted in Hong Kong and on the mainland. From 23 to 24 November 1988, the eleventh meeting of the Subgroup on Education, Science, Culture, Sports, Religion, Labour and Social Services was held to discuss the opinions on Chapter VI of the Draft Basic Law for Solicitation of Opinions (DBLSO) collected by the drafters and those processed by the Consultative Committee for the Basic Law. After discussion, we amended the articles in Chapter VI and reduced the number of articles in the chapter from 16 to 14. The following is our report on the amendments:

1. In order to convey the meaning precisely, the expression "the Hong Kong Special Administrative Region shall maintain the...system" which appears in a number of articles in this Chapter has all been changed to "on the basis of the previous...system, the Government of the Hong Kong Special Administrative Region shall, on its own, formulate policies (or work out the methods)".

2. The three articles on education have been rearranged into two articles.

3. The article on medical and health services has been amended to read: "The Government of the Hong Kong Special Administrative Region shall, on its own, formulate policies to develop Western and traditional Chinese medicine and to improve medical and health services. Community organizations and individuals may provide various medical and health services in accordance with law."

4. The two articles on religion have merged as one. The provision "the Government of the Hong Kong Special Administrative Region shall not restrict the freedom of religious belief" is added. Earlier on the religious organizations in Hong Kong proposed adding the provision "the Government of the Hong Kong Special Administrative Region shall not restrict religious belief through legislation". However, at the enlarged chairmen's meeting, it was pointed out that such a provision would be inconsistent with the provisions of the International Covenants on Human Rights, so it was decided that the proposed provision be replaced with the present one.

5. The first two paragraphs of the article on the professions have been amended to read: "The Government of the

Hong Kong Special Administrative Region shall, on the basis of maintaining the previous system concerning the professions, work out on its own the methods of assessing the qualifications for professional practice for the various professions." "Persons with professional qualifications or qualifications for professional practice obtained prior to the establishment of the Hong Kong Special Administrative Region may retain their previous qualifications, in accordance with the relevant regulations and codes of practice." The first sentence of its third paragraph has been amended to read: "The Government of the Hong Kong Special Administrative Region shall continue to recognize the professions and the professional organizations recognized prior to the establishment of the Region."

6. The article on labour has been amended to read: "The Government of the Hong Kong Special Administrative Region shall formulate labour laws and policies on its own."

7. With regard to the non-governmental organizations in the HKSAR, in addition to those in the fields of education, technology, culture, sports, the professions and social welfare and the religious organizations provided for in the previous draft, those in the fields of art, medicine and health, social work and labour have been included.

In addition, the wording of individual articles has been slightly modified.

The Subgroup intended to put Articles 156 and 157 of the DBLSO in the "annex" which contains policy provisions, but since it was decided at the enlarged chairmen's meeting that such an annex would not be adopted for the time being, the two articles remain in Chapter VI.

This report is now submitted to the plenary session for examination.