

FINAL REPORT ON
RELIGIOUS ISSUES OF
THE HONG KONG SPECIAL ADMINISTRATIVE REGION

(passed by the Executive Committee on 12 June 1987)

Working Group on
the Report on Religious Issues of the HKSAR
Subgroup on Social Lifestyle and Religious Policies

Special Group on
Culture, Technology, Education, and Religion

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1 FOREWORD

1.1 The Subgroup on Social Life-style and Religious Policy under the Special Group on Culture, Technology, Education and Religion met for three times and discussed the religious policy in Hong Kong after 1997. Apart from that, the Secretariat also received written submissions concerning the religious policy from some members and other religious organisations. The preliminary report is a summary of the discussions at the three meetings as well as the written submissions. A public hearing session was held so that members of the public could suggest supplement or amendment to the report. This report on the religious issues of the Special Administrative Region is prepared by the relevant working group from the opinions collected at the public hearing session, the written submissions received after the session and newspaper and magazine clippings. This report in which all views and proposals (including points of consensus and opposing views) concerning religious issues of the HKSAR are sorted out will be submitted to Drafting Committee after it is endorsed by the Special Group and the Executive Committee. Sections 4, 5, 6, 7 and 10 in this report contain points on which consensus is reached. Other points on which there are divergent views are recorded as such.

2 The present situation in respect of religion in Hong Kong

2.1 Hong Kong people enjoy absolute religious freedom, with different ethnic communities practising the world's major faiths. Buddhist monasteries and Taoist temples co-exist with Christian and Catholic churches, mosques, and Hindu and Sikh temples. All major religious institutions, apart from proclaiming their beliefs, provide general education (in the schools they run) and various social welfare services.

2.2 Buddhism, Confucianism, and Taoism, the leading Chinese religions, maintain a strong hold on the population, especially among the older folk. Ancestral worship is also widely practised. Hong Kong has more than 360 Chinese temples; all temples are required to be registered under the Chinese Temples Ordinance.

2.3 The Christian community - Roman Catholic and Protestant - is estimated to number almost half a million people, comprising more than 50 denominations and independent churches.

2.4 About 270,000 people, or five per cent of the population, are Catholics. The diocese has established its own administrative structure while maintaining traditional links with the Pope and with other Catholic communities in the world.

- 2.5 The Protestant community in Hong Kong numbers over 200,000 people. Major denominations represented are Adventist, Alliance, Anglican, Baptist, Church of Christ in China, Lutheran, Methodist, Pentecostal and the Salvation Army, etc. as well as many independent local churches.
- 2.6 There are about 50,000 Muslims in Hong Kong. More than half of them are Chinese with the rest being either locally born non-Chinese or believers from Pakistan, India, Malaysia, Indonesia and Middle Eastern and African countries.
- 2.7 The religious and social activities of the 12,000-member Hindu community in Hong Kong are mainly the responsibility of the Hindu Association of Hong Kong
- 2.8 Hong Kong Jewish community comprising believers from various parts of the world has about 1,000 people in the congregation. Apart from the above mentioned religions, there are also other religions such as the Sikhism in Hong Kong.

3 Relevant provisions under the Chinese Constitution, Sino-British Joint Declaration and other international agreements

3.1 Relevant provisions under the Constitution of the People's Republic of China:

Article 24

The state strengthens the building of socialist spiritual civilization through spreading education in high ideals and morality, general education and education in discipline and the legal system, and through promoting the formulation and observance of rules of conduct and common pledges by different sections of the people in urban and rural areas.

The state advocates the civic virtues of love of the motherland, of the People, of labour, of science, and socialism; it educates the people in patriotism, collectivism, internationalism and communism and in dialectical and historical materialism; it combats capitalist, feudal and other decadent ideas.

Article 36

Citizens of the People's Republic of China enjoy freedom of religious belief.

No state organ, public organisation or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion.

The state protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state.

Religious bodies and religious affairs are not subject to any foreign domination.

3.2 Section XIII of Annex I of the Sino-British Joint Declaration

The Hong Kong Special Administrative Region Government shall protect the rights and freedoms of inhabitants and other persons in the Hong Kong Special Administrative Region according to law. The Hong Kong Special Administrative Region Government shall maintain the rights and freedoms as provided for by the laws previously in force in Hong Kong, including freedom of the person, of speech, of the press, of assembly, of association, to form and join trade unions, of correspondence, of travel, of movement, of strike, of demonstration, of choice of occupation, of academic research, of belief, inviolability of the home, the freedom to marry and the right to raise a family freely.

Every person shall have the right to confidential legal advice, access to the courts, representation in the courts by lawyers of his choice, and to obtain judicial remedies. Every person shall have the right to challenge the actions of the executive in the courts.

Religious organisations and believers may maintain their relations with religious organisations and believers elsewhere, and schools, hospitals and welfare institutions run by religious organisations may be continued. The relationship between religious organisations in the Hong Kong Special Administrative Region and those in other parts of the People's Republic of China shall be based on the principles of non-subordination, non-interference and mutual respect.

The provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong shall remain in force.

3.3 Article 18 of the Universal Declaration of Human Rights:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

3.4 provisions on religion under the International Covenant on Civil and Political Rights:

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

4 Basic Principles

- 4.1 True religious freedom is based on human rights. True freedom of religious belief and activity only exists in society where human rights are respected. In enjoying religious freedom, individuals as well as religious organisations must respect the rights of others and the law.
- 4.2 All citizens are equal before the law, and no one should be discriminated or victimised for religious reasons and beliefs.
- 4.3 After 1997, the Government should treat all religions equally without discrimination.
- 4.4 The SAR government should not deprive its people of the right to religious belief, stability and prosperity can be upheld in Hong Kong only if the government does not interfere with religious freedom.

- 4.5 The relationship between religious organisations in the future SAR and those in other parts of the PRC shall be based on the principles of non-subordination, non-interference and mutual respect.
- 4.6 Religions of Hong Kong after 1997 should maintain their consistent policies of serving society, leading people to goodness, and promoting the welfare system of society.
- 4.7 The independence and autonomy of religious organisations should remain unchanged. The independence and autonomy of religious organisations should be interpreted as that the internal affairs of local religious organisations should not be controlled, influenced or exploited by the government or other countries.
- 4.8 Hong Kong at present does not have a religious policy but we can truly practise religious freedom. This situation should be maintained.
- 4.9 Freedom of religious practice shall be the same after 1997 as it is now.

5 Meanings of Religious Freedom

- 5.1 The definition of "religious freedom" should be based on Article 18 of Universal Declaration of Human Rights of the United Nations and the provisions under the International Covenant on Civil and Political Rights.
- 5.2 Religious freedom should entail the freedom to reject the teachings of historical and dialectical materialism and communism.
- 5.3 Religious freedom should include:
- 1) the freedom to exercise public worship;
 - 2) the freedom to assist believers and those who are willing to accept religious beliefs to lead a religious life;
 - 3) the freedom to teach religious principles;
 - 4) the freedom to pass on and publicise one's religious belief in writing or by spoken word in public places;
 - 5) the freedom to establish institutions to allow members of the religion to live and work together according to their religious principles;
 - 6) the freedom to select, train, appoint, and allocate priests, ministers etc.;
 - 7) the freedom to establish and run educational, cultural, medical, charitable, and social welfare institutions;
 - 8) the freedom to build, acquire, possess, or use property as the religious institutes require;
 - 9) the freedom to interact with religious authorities and communities in other parts of the world;

- 10) Parents should have the right to arrange religious life in their own family and decide for their children the kind of religious training they receive. The SAR Government shall respect decisions made by parents for their children in receiving religious education.
- 11) The freedom to refuse to perform any act which is against one's religious belief, e.g. abortion, euthanasia.

6 Operations for protection of religious freedom

- 6.1 Religious organisations may have their own estate and property in accordance with law, including the rights of acquisition, use, disposal, inheritance and compensation for lawful deprivation (corresponding to the real value of the property concerned, freely convertible and paid without delay).
- 6.2 The SAR government should protect the existing privileges of religious organisations in accordance with law, for example, allocation of land, exemption from tax and rates payment, renewal of land leases, etc. The previous arrangements in respect of taxation for religious and charitable bodies should be maintained.
- 6.3 The land which the Government leases to religious bodies on preferential terms for building and running temples should still be accessible to such religious bodies after 1997.
- 6.4 Religious bodies which exist now as statutory bodies may continue as such after 1997.
- 6.5 Cultural, educational, social, and medical services run by religious organisations may continue to receive subsidies from the government.
- 6.6 When applying for government posts, places in government schools or the use of public cultural, sports, or recreational facilities, believers should not be discriminated or receive unequal treatment.
- 6.7 Access to the court should be established to deal with cases of appeal and complaint concerning unequal treatment arising from religious issues.
- 6.8 Since it is difficult to draw a line between religion and superstition, government should not interfere with religious activities on the pretext of prohibiting superstition.

- 7 Religious organisations and their link with overseas countries
- 7.1 Churches of the SAR may maintain their existing relationship with overseas churches.
- 7.2 Religious bodies may accept overseas donations and may make donations to overseas organisations.
- 7.3 The Basic Law should guarantee that the Catholic church of the SAR should remain as a regional church under the leadership of the Pope after 1997, without interference from Chinese religious organisations or government.
- 7.4 Overseas religious organisations may set up branches in Hong Kong and employ both Hong Kong and overseas staff.
- 7.5 Individual believers and religious organisations may, according to their habitual practice, maintain international relations. They may invite foreign missionaries to assist in local preaching, and local and overseas religious organisations may help supply each other's needs. Individual believers and religious organisations may continue to go overseas freely for visit and participation in international religious activities.
- 7.6 Religious organisations in mainland should not influence religious organisations in the SAR.
- 7.7 Overseas religious publications (including Taiwan publications) should enjoy free entry to Hong Kong.
- 7.8 Religious bodies of the HKSAR may on its own maintain and develop relations and conclude and implement agreements on religious, cultural, educational, medical and social welfare issues with states, regions and relevant international organisations.

8 Religious Holidays

There are different views regarding religious holidays:

- 8.1 As Hong Kong is a financial and commercial centre of the world, her public holidays should as far as possible match those of other developed countries. It is desirable to retain the present holidays in the future and, if necessary, the names of the holidays can be changed.
- 8.2 The present holidays and their names should be retained because the people of Hong Kong are already very sensitive to the religious policies of China, and if changes should occur after 1997, people in Hong Kong would lose confidence in the "religious freedom" as promised by China.

8.3 It is possible to re-schedule public holidays and festive holidays but economic and religious factors should be taken into consideration. Public holidays should, as far as possible, tie in with labour holidays.

8.4 If possible, the SAR Government should consider adding Buddhist holidays or holidays of other religions.

9 Provisions on Religion under the Basic Law

9.1 Even though the religious policies of China are already very open at present, the existence of such express provision in Article 24 under the Constitution of the People's Republic of China: "the state educates the people in ... dialectical and historical materialism" would definitely affect religious policies. Because of this, Hong Kong would require some formal guarantee. In the Basic Law, it should be stated that religious policies in the future SAR will not be affected by the constitution or other ordinances so that people living in the SAR may enjoy the freedom of receiving religious education and of holding religious activities and ceremonies.

9.2 Members also held that as most religions are basically theistic, they are in great conflict with the atheism in communism. Having religious freedom written in the Basic Law is not a sufficient guarantee. Protection of all kinds of freedom in respect of religion should be spelt out in detail in the Basic Law, and solutions should be sought in order to eliminate any real or apparent conflict between the Chinese Constitution and the Basic Law regarding religious freedom.

9.3 The Basic law should provide for the freedom of religious belief, of religious practice, of spreading the religion, and of speech in denouncing atheism and analysing communism from a religious viewpoint.

9.4 It should be stated in the Basic Law that religious organisations in Hong Kong after 1997 may maintain relations with overseas countries and it should also be guaranteed that such provision would not be inconsistent with Article 36 of the Constitution of the People's Republic of China.

9.5 There should be further elaboration on the terms "subordination" and "interference" in the Joint Declaration.

9.6 The government should not pressurise its people to yield to systems or practices that are contrary to their religious belief. But there are members who oppose to this view.

10 Proposed provisions on religion under the Basic Law

10.1 In accordance with Article 31 of the Constitution of the PRC, the policy on religious freedom shall be based on the stipulations of this law.

10.2 The definition of religious freedom in the HKSAR shall be based on Article 18 of the Universal Declaration of Human Rights of the United Nations and Articles 18 and 27 of the International Covenant on Civil and Political Rights. Religious freedom shall include:

- 1) the freedom to exercise public worship;
- 2) the freedom to assist believers and those who are willing to accept religious beliefs to lead a religious life;
- 3) the freedom to teach religious principles;
- 4) the freedom to pass on and publicise one's religious belief in writing or by spoken word in public places;
- 5) the freedom to establish institutions to allow members of the religion to live and work together according to their religious principles;
- 6) the freedom to select, train, appoint, and allocate priests, ministers etc.;
- 7) the freedom to establish and run educational, cultural, medical, charitable, and social welfare institutions;
- 8) the freedom to build, acquire, possess, or use property as the religious institutes require;
- 9) the freedom to interact with religious authorities and communities in other parts of the world;
- 10) Parents should have the right to arrange religious life in their own family and decide for their children the kind of religious training they receive. The SAR Government shall respect decisions made by parents for their children in receiving religious education.
- 11) The freedom to refuse to perform any act which is against one's religious belief, e.g. abortion, euthanasia.

10.3 The HKSAR government shall not interfere in or restrict religious activities.

10.4 Religious organisations of the HKSAR may maintain and establish superior-subordinate relations with overseas religious organisations.

10.5 Religious organisations of the HKSAR may, on its own, maintain and develop relations and conclude and implement agreements with states, regions and relevant international organisations in the religious, cultural, medical and social service fields.

- 10.6 The relationship between religious organisations in the HKSAR and those in other parts of the PRC shall be based on the principles of non-subordination, non-interference and mutual respect.
- 10.7 Schools, hospitals and welfare institutions run by religious organisations may be continued and developed, and their previous independence, autonomy and rights concerning the ownership of property shall remain unchanged.
- 10.8 Hong Kong inhabitants shall have the right to raise a family freely in accordance with their religious beliefs.

* If there is any discrepancy between the Chinese and the English versions, the Chinese shall prevail.

有關香港特別行政區宗教問題

最後報告

(1987年6月12日經執行委員會通過)

中華人民共和國香港特別行政區基本法諮詢委員會

文化教育科技宗教專責小組

社會生活方式、宗教政策分組

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1. 引言

1.1 文化教育科技宗教專責小組屬下之社會生活方式、宗教政策分組共召開過三次分組會議，討論了九七年後香港特別行政區的宗教政策。此外，秘書處亦收到一些委員及其他宗教團體就有關宗教問題所發表的意見書。秘書處已綜合三次會議所討論的結果及所收集到的書面意見，纂編成「宗教政策初步報告」；並舉行過公聽會，邀請公眾人士對該份「初步報告」提出補充或修改。目前這份「香港特別行政區宗教問題報告」就是按公聽會中與會人士對「初步報告」發表的意見，及公聽會後秘書處收到的書面意見及報刊上之資料，經工作組討論整理而成的；目的是將收集到的意見及建議（包括所能達致的共識及正反兩方意見），進行整理和綜合分析，經本專責小組及執行委員會通過後，供起草委員會參考。本報告內第4、5、6、7及第10段均是委員們的共識，其他凡在同一問題上委員有不同意見者，各種不同意見均已一一羅列。

2. 香港現時各宗教情況

- 2.1 本港居民享有絕對宗教自由，世界各大宗教在本港都有不同種族的人士信奉。因此，本港除佛寺和道觀外，復有基督教堂、天主教堂、清真寺、印度廟和錫克廟等。各大宗教團體除宣揚教義外，還興辦學校提供普通教育及各項社會福利事業。
- 2.2 佛教、孔教和道教都是中國的主要宗教，對本港的大部分市民，特別是年長的一輩，影響深遠。市民尊崇儒家祀祖的思想，有拜祭祖先的習慣；本港共有寺觀360多間，根據華人廟宇條例，本港所有廟宇均須註冊。
- 2.3 本港的天主教徒和基督教徒差不多有50萬人，各宗派和獨立教會達50多個。
- 2.4 本港約有天主教徒約二十七萬人（約佔全港人口5%），香港教區雖然有本身的行政組織，但仍然保持一向與教宗及其他教區之間的聯繫。
- 2.5 本港基督教徒人數超過20萬名，主要的基督教派有基督復臨安息日會、宣道會、聖公會、浸信會、中華基督教會、信義宗、循道衛理聯合教會、五旬宗和救世軍等。此外，還有多個獨立的地方教會。
- 2.6 本港約有回教徒5萬人，其中半數以上為華人，其餘為本港出生的非華籍人士，還有來自巴基斯坦、印度、馬來西亞、印尼、中東和非洲各國的回教徒。
- 2.7 本港有約一萬二千名印度教徒，其主要的宗教及社交活動由香港印度教協會負責管理。

2.8 本港的猶太教徒來自世界各地，會衆人數約一千名。除以上宗教外，香港還有錫克教等。

3. 中國憲法、中英聯合聲明及有關國際公約之條文

3.1 《中華人民共和國憲法》中之有關條文：

第二十四條：國家通過普及理想教育、道德教育、文化教育、紀律和法制教育，通過在城鄉不同範圍的群眾中制定的執行各種守則、公約，加強社會主義精神文明的建設。

國家提倡愛祖國、愛人民、愛勞動、愛科學、愛社會主義的公德，在人民中進行愛國主義、集體主義和國際主義、共產主義的教育，進行辯証唯物主義和歷史唯物主義的教育，反對資本主義的、封建主義的和其他的腐朽思想。

第三十六條：中華人民共和國公民有宗教信仰自由。

任何國家機關、社會團體和個人不得強制公民信仰宗教或者不信仰宗教，不得歧視信仰宗教的公民和不信仰宗教的公民。

國家保護正常的宗教活動。任何人不得利用宗教進行破壞社會秩序、損害公民身體健康、妨礙國家教育制度的活動。

宗教團體和宗教事務不受外國勢力的支配。

3.2 《中英聯合聲明》附件一第十三節：

香港特別行政區政府依法保障香港特別行政區居民和其他人的權利和自由。香港特別行政區政府保持香港原有法律中所規定的權利和自由，包括人身、言論、出版、集會、結社、組織和參加工會、通信、旅行、遷徙、罷工、遊行、選擇職業、學術研究和信仰自由、住宅不受侵犯、婚姻自由以及自願生育的權利。

任何人均有權得到秘密法律諮詢、向法院提起訴訟、選擇律師在法庭上為其代理以及獲得司法補救。任何人均有權對行政部門的行為向法院申訴。

宗教組織和教徒可同其他地方的宗教組織和教徒保持關係，宗教組織所辦學校、醫院、福利機構等均可繼續存在。香港特別行政區的宗教組織與中華人民共和國其他地區宗教組織的關係應以互不隸屬、互不干涉和互相尊重的原則為基礎。

《公民權利和政治權利國際公約》和《經濟、社會與文化權利的國際公約》適用於香港的規定將繼續有效。

3.3 「世界人權宣言」第十八條：

人人有思想、良心與宗教自由之權；此項權利包括其改變宗教或信仰之自由，及其單獨或集體、公開或私自以教義、躬行、禮拜及戒律表示其宗教或信仰之自由。

3.4 「公民及政治權利國際公約」有關宗教之條文：

第十八條：一、人人有思想、信念及宗教之自由。此種權利包括保有或採奉自擇之宗教或信仰之自由，及單獨或集體、公開或私自以禮拜、戒律、躬行及講授表示其宗教或信仰之自由。

二、任何人所享保有或採奉自擇之宗教或信仰之自由、不得以脅迫侵害之。

三、人人表示其宗教或信仰之自由，非依法律，不受限制，此項限制以保障公共安全、秩序、衛生或風化或他人之基本權利自由所必要者為限。

四、本盟約締約國承允尊重父母或法定監護人確保子女接受符合其本人信仰之宗教及道德教育之自由。

第二十七條：凡有種族、宗教或語言少數團體之國家，屬於此類少數團體之人，與團體中其他份子共同享受其固有文化、信奉躬行其固有宗教或使用其固有語言之權利，不得剝奪之。

4. 基本原則：

4.1 真正的宗教自由，是基於人權。只有在尊重人權的社會中，才有真正宗教信仰和活動自由。在享受宗教自由時，個別居民及宗教團體必須尊重他人的權利，遵守法律的規定。

4.2 居民在法律上的平等地位，不得因宗教及信仰的理由受到任何損害或歧視。

4.3 在九七年後，香港政府應以一視同仁的態度對待所有宗教。

4.4 特別行政區政府不得剝奪居民信奉宗教的權利，只有政府在不干預宗教自由的政策下，香港才能繼續繁榮安定。

4.5 將來特區的宗教組織與中華人民共和國其他地區宗教組織的關係應以互不隸屬、互不干涉和互相尊重的原則為基礎。

4.6 九七年後香港的宗教應保持一貫方針，如服務社會、導人向善、使香港福利事業更加蓬勃。

4.7 宗教團體的獨立性及自主權應保持不變。宗教團體的“獨立性”和“自主權”應理解為：本地的宗教團體的內政不受政府的控制、影響或利用；亦不受任何其他國家的控制、影響或利用。

4.8 香港現時沒有一套明文的宗教政策，但容許一般人實踐宗教的自由，這種情況應保留。

4.9 九七年後特區的宗教自由應與現時香港所享有的相同。

5. 宗教自由之意義

5.1 「宗教自由」的定義應從聯合國「世界人權宣言」第十八條及「公民及政治權利國際公約」有關條文作為基礎。

5.2 宗教信仰自由包括不接受歷史唯物主義、辯證唯物主義及共產主義的自由。

5.3 宗教自由應包括以下活動的自由：

- (I) 舉行公共敬拜禮儀；
- (II) 輔助成員及其他願意接受信仰的人實踐宗教生活；
- (III) 傳授教理；
- (IV) 以口述或書刊或其他形式，公開傳授及借用公眾地方宣揚其信仰；
- (V) 結社及成立修道團體，使成員按照其宗教原則共同工作及生活；
- (VI) 自由選擇、培育、任命、調遣自己的僧侶、教士等；
- (VII) 開設及舉辦教育、文化、醫療、福利、社會服務等事業；
- (VIII) 建立、購置、擁有或使用其所需的產業；
- (IX) 與居留世界各地的宗教首長及宗教團體自由交往；
- (X) 每一父母均有權安排家庭中的宗教生活，及決定其未成年成員受何種宗教培育。香港特別行政區政府應尊重父母決定其子女受宗教教育的權利。
- (XI) 有權拒絕履行與宗教信仰抵觸的行動，如墮胎、安死等。

6. 保障宗教自由之具體運作

6.1 宗教團體可依法擁有自己的物業和財產，包括財產的取得、使用、處置和繼承的權利，以及依法徵用財產得到補償的權利（補償相當於該財產的實際價值、可自由兌換、政府不得無故遲延支付）。

6.2 特區政府依據法律保障宗教團體固有的各種權利，如有關撥地、豁免差餉與稅項、地契續約等。對宗教及慈善團體的稅收應保持固有的安排。

6.3 凡屬政務司立案法團的宗教團體用地（即由政府以特惠條件批給宗教團體建設及管理寺廟之用地），在九七年後該土地之使用權仍可由該宗教團體繼續保留。

6.4 現時已註冊成為法定團體的宗教組織，在九七年後其法定地位可繼續得到認可。

- 6.5 宗教機構所舉辦的文化、教育、福利、醫療等事業可繼續獲政府資助。
- 6.6 宗教信徒在申請政府部門職位、政府學校學位及租借公共文娛康樂體育設施時，不應受到歧視及不平等待遇。
- 6.7 市民可向法庭申訴及上訴任何因宗教問題而引起的不平等待遇。
- 6.8 由於宗教與迷信難以劃分界限，執政者不可以禁止迷信為名，去干預宗教活動。

7. 宗教團體與外地聯繫之問題

- 7.1 香港的教會及宗教團體可與外國教會保持關係。
- 7.2 宗教機構可接受香港以外地區的資助，並可向香港以外地區給予捐助。
- 7.3 基本法應保證香港天主教在九七年後仍保持為教宗領導下的地方教會，而中國的宗教組織或政府不干預這方面的情况。
- 7.4 國外宗教組織可以在香港設立支部，同時任用本港及外地僱員為其服務。
- 7.5 個別信徒或宗教團體可依其慣行方式，保持與國際間的關係，並可邀請外國傳教士到來協助傳教服務，互通有無。個別信徒或宗教團體可繼續自由出國訪問觀摩及參加一切國際性宗教活動。
- 7.6 國內的宗教組織不影響香港的宗教組織。
- 7.7 外地宗教刊物(包括在台灣出版之刊物)應可以自由進入香港。
- 7.8 特區的宗教組織可用獨立名義與世界各國、各地區及有關國際組織保持和發展關係，並簽訂和履行有關宗教、文化、教育、醫療、社會服務等協定。

8. 宗教假期之商榷

關於宗教假期之問題，共有以下意見：

- 8.1 香港是世界性的金融商業中心，其公眾假期應儘量與其他先進國家配合。將來最理想是保持現有的假期，必要時更改假期名稱便可。

- 8.2 應繼續保持現有的假期及其名稱，因為香港人對中國現行的宗教政策已很敏感，如九七年後驟然更改，便會使港人對宗教自由失去信心。
- 8.3 可以重新編訂公眾假期及節日假期，但要注意經濟及宗教因素；公眾假期與勞工假期應盡量求統一。
- 8.4 在可能的情況下，特區政府應考慮增加佛教和其他宗教的假期。
9. 有關宗教自由的其他意見
- 9.1 雖然現時中國所實施的宗教政策可能已很開放，但中國憲法第24條既列明國家要進行辯證唯物主義和歷史唯物主義的教育，此項明文的規定，勢必影響宗教政策。故此，香港需要一些正式的保證，在基本法中列明未來特區的宗教政策不會受到憲法或其他條例的影響，使特區居民有接受宗教教育及進行各種宗教活動和儀式的自由。
- 9.2 亦有委員認為因為大多數宗教基本是相信有神論，與共產主義的無神論有極大的衝突，如果基本法內僅寫明宗教自由，是不足為保證的。基本法應以詳細條文維護宗教方面的一切自由，並尋求方法消除特別行政區基本法與中華人民共和國憲法之間有關宗教自由方面所真正或表面存在的矛盾。
- 9.3 在基本法上應寫明教徒有信仰自由、實踐自由、宣傳自由、反對無神論及從宗教角度研究共產主義之言論自由。
- 9.4 基本法上應列明香港的宗教團體在九七年後，可繼續與外國保持聯繫。並保障這樣的規定不會與中國憲法第三十六條發生抵觸。
- 9.5 有關聯合聲明中“干涉”和“隸屬”兩詞的意義應加以解釋。
- 9.6 政府不得施任何壓力使居民追隨違反其宗教信仰的制度及活動。但亦有委員反對此項意見。
10. 基本法有關宗教問題條文建議
- 10.1 根據中華人民共和國憲法第三十一條，香港特別行政區有關宗教自由的制度，以本法的規定為依據。

10.2 香港特別行政區的宗教自由以聯合國「人權宣言」第十八條及「公民及政治權利國際公約」第十八條、第二十七條為依據。宗教自由應包括以下活動的自由：

- (I) 舉行公共敬拜禮儀；
- (II) 輔助成員及其他願意接受信仰的人實踐宗教生活；
- (III) 傳授教理；
- (IV) 以口述或書刊或其他形式，公開傳授及借用公眾地方宣揚其信仰；
- (V) 結社及成立修道團體，使成員按照其宗教原則共同工作及生活；
- (VI) 自由選擇、培育、任命、調遣自己的僧侶、教士等；
- (VII) 開設及舉辦教育、文化、醫療、福利、社會服務等事業；
- (VIII) 建立、購置、擁有或使用其所需的產業；
- (IX) 與居留世界各地的宗教首長及宗教團體自由交往；
- (X) 每一父母均有權安排家庭中的宗教生活，及決定其未成年成員受何種宗教培育。香港特別行政區政府應尊重父母決定其子女受宗教教育的權利。

10.3 香港特別行政區政府不干預和限制宗教活動。

10.4 香港特別行政區的宗教團體可與其在外國的宗教團體維持或建立從屬關係。

10.5 特區的宗教組織可用獨立名義與世界各國、各地區及有關組織保持和發展關係，並簽訂和履行有關宗教、文化、醫療、社會服務等協定。

10.6 香港特別行政區宗教團體與內地相應的團體應以互不隸屬、互不干涉和互相尊重的原則為基礎。

10.7 宗教組織所辦學校、醫院、福利機構等均可繼續存在和發展，並維持固有的獨立性、自主性、及財產擁有權維持不變。

10.8 香港居民有根據其宗教信仰自願生育的權利。