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C5 China (People's Republic), Consultative
Committee for the Basic Law of the
Hong Kong Special Administrative
Region. Special Group on Finance,
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FINAL REPORT ON
POLICY REGARDING TOURISM
AND
POLICY REGARDING REAL ESTATE

(passed by the Executive Committee on 8 August 1987)

Special Group on
Finance, Business, and Economy

FOREWORD:

This discussion paper is prepared by the working group of the Special Group on Finance, Business, and Economy. Topics include two items under section 5 in Chapter V of the Structure of the Basic Law (Draft) -- policy regarding tourism and policy regarding real estate. Members of the working group collected the opinions of members of the Special Group expressed at former meetings and carried out further discussions on these opinions and extracted the main points to make preliminary suggestions on the stipulations in the Basic Law.

Members of the working group are of the opinion that some of the contents of the suggested stipulations contained in this paper are not confined to policy regarding tourism and policy regarding real estate. It is therefore considered feasible that the suggestions be included into the Basic Law as general provisions.

CONTENTS:

- I Policy regarding tourism

- II Policy regarding real estate

I Policy regarding tourism

1 The Basic Law should have provisions to cover the following points:

- 1) The Hong Kong Special Administrative Region Government shall on its own decide policies regarding tourism.
- ii) Unless restrained by law, inhabitants of the Hong Kong Special Administrative Region shall have the right to obtain travel documents for entry to and exit from the HKSAR. Unless restrained by law, holders of valid travel documents shall be free to leave the Hong Kong Special Administrative Region without special authorisation.
(i.e. a paragraph in section XIV of Annex I to the Joint Declaration)
- iii) The Hong Kong Special Administrative Region Government shall continue to subsidise semi-official organisations with the aim of promoting tourism, and protect such organisations from being subordinated to state organisations of a similar nature.
- iv) The Hong Kong Special Administrative Region Government may on its own delegate powers to its official or semi-official overseas organisations to issue visas for entry into the Hong Kong Special Administrative Region, or request Chinese overseas organisations to issue such visas according to the criteria set down by the Hong Kong Special Administrative Region Government.

2 The following opinions concerning policy on tourism are for the reference of the Drafting Committee members:

- i) It is stipulated in the Joint Declaration that "the Central People's Government shall assist or authorise the Hong Kong Special Administrative Region Government to conclude visa abolition agreements with states or regions." Members pointed out that at present Hong Kong adopted the practice of unilaterally abolishing entry visa requirements for people of certain states (or regions). Members were of the opinion that this arrangement could be maintained after 1997.
- ii) Members raised the following question for the consideration of the Drafting Committee members: when the PRC is boycotting or on bad terms with a certain state/region, can the Hong Kong Special Administrative Region Government retain its visa abolition arrangement -- unilateral or otherwise -- for that state/region?

II Policy regarding real estate

1 The following points should be included in the Basic Law:

- 1) The Hong Kong Special Administrative Region Government may on its own decide its land policy, including policies on transaction of land, lease of land, payment of additional premium and taxation, and the utilisation of the revenue thus accrued.

(Note: not to be restricted by any authority similar to the present Sino-British Land Commission.)

- ii) "Where leases of land not having a right of renewal expire after 30 June 1997, they shall be dealt with in accordance with the relevant land laws and policies of the Hong Kong Special Administrative Region."
(i.e. part of the second paragraph of Annex III to the Joint Declaration)

2 The following opinions concerning policy on real estate are for the reference of the Drafting Committee members:

- 1) At present, the British Government authorises the Hong Kong Government to issue leases. It is clearly stated on the leases that the source of authority lies with Britain. Members suggested that after 1997, it should be stated clearly in all leases: "authorized by the People's Republic of China"; but members reckoned that it would be a colossal task to change the wording in all leases. It was therefore suggested that the Hong Kong Special Administrative Region Government could legislate to achieve the same effect.
- ii) Members held that indigenous New Territories inhabitants should still be entitled to exempted houses. But this privilege need not be specified in the Basic Law.

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

旅遊業政策、 房地產政策 最後報告

(1987年8月8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

金融財務經濟專責小組

前 言

本討論文件為金融財務經濟專責小組的工作組所預備，題目包括基本法結構(草案)中第五章第五節——旅遊業政策及房地產政策部份。工作組委員收集了專責小組委員就以上題目曾發表的意見，加以進一步討論，並抽出重點，寫成基本法條文應包括的內容的初步建議，及其他的考慮點。

工作組委員認為本文件內某些基本法內容的建議並不局限於旅遊業及房地產政策，故不排除用一總括性形式寫入基本法內。

目錄：

- I 旅遊業政策
- II 房地產政策

I. 旅遊業政策

(一) 基本法應有條文以包括下列各點：

1. 香港特別行政區政府自行制定旅遊業政策。
2. 香港居民除受到法律制止，均有領取出入境証件的當然權利。有效旅行證件持有人，除非受到法律制止，可自由離開香港特別行政區，無需特別批准。（即《中英聯合聲明》第十四節一段）
3. 香港特別行政區政府應繼續資助半官方的促進旅遊業的組織，並且保障此等組織不隸屬中央的相類似的機構所編制。
4. 香港特別行政區政府可自行委任其官方或半官方的駐外機構簽發來港簽證；或委託中國的駐外機構根據特別行政區政府的訂明代發來港簽證。

(二) 以下為有關旅遊業政策的意見，供起草委員會參考：

1. 《中英聯合聲明》訂明：「中央政府將協助或授權香港特別行政區政府同各國或各地區締結互免簽證協定。」委員認為現時香港有單方面免除他國（或地區）人士來港的簽證的安排。委員認為這安排於九七年後應可保留。
2. 委員提出以下問題供起草委員考慮：若中國與某國家（地區）交惡或加以杯葛，香港特別行政區是否還可以繼續與該國家（地區）互免簽證或單方面免除簽證。

II 房地產業政策

(一) 基本法應有條文以包括以下各點：

1. 香港特別行政區政府可自行制定土地政策，包括土地交易、補地價，徵稅等政策及其收入的運用。

(按：即不受任何類似現時的中英土地委員會的權力機構所限制。)

2. 一九九七年六月三十日以後滿期而沒有續期權利的土地契約，將按照香港特別行政區有關的土地法律及政策處理。

(即《中英聯合聲明》附件三第二段部份)

(二) 以下為有關房地產業政策的意見，供起草委員會參考：

1. 現時的土地契約是英國政府授權香港政府批出，在契約上亦有寫明權力的根源是英國。有委員認為九七年後應在契約上註明「中國授權」；但亦考慮到若要把每張契約的字眼更改，將是一件極其艱巨的工作，故提議特別行政區政府可以立法方式，以達到同樣的效果。
2. 委員認為在九七年後，新界原居民仍應享有取得丁屋的特權，但不需把這特權寫入基本法內。