

LCQ1: Formation of branches in Hong Kong by the Communist Party of China

Following is a question by Dr Hon Helena Wong and a reply by the Acting Secretary for Constitutional and Mainland Affairs, Mr Andy Chan, in the Legislative Council today (November 28):

Question:

It has been reported that three groups of Mainland judges currently studying for a master's or doctorate degree in law at the City University of Hong Kong have, pursuant to the requirements under the Constitution of the Communist Party of China (CPC), formed a temporary branch of CPC in Hong Kong. Given that at present, quite a number of people from the Mainland have come to Hong Kong for settlement, further studies, doing business, or taking up employment in the Government, educational institutions or public and private organisations, some members of the public are concerned whether those CPC members among such people are required to establish CPC branches in Hong Kong pursuant to the requirements under CPC's Constitution. In this connection, will the Government inform this Council:

(1) whether it knows the details of the activities conducted by political forces outside Hong Kong on campuses of tertiary institutions; whether the Government and tertiary institutions will adopt measures to stop CPC members conducting political activities on campuses; if so, of the details; if not, the reasons for that;

(2) as a CPC leader reportedly demanded at a meeting of the aforesaid temporary branch that the party members "unequivocally uphold the banner of commitment to political integrity" and "be brave to combat wrongful words and actions", whether the Government has assessed if this situation will undermine the confidence of members of the public in "one country, two systems" and "Hong Kong people administering Hong Kong"; whether it will relay to the Central Authorities the worries of some members of the public about CPC members conducting political activities in Hong Kong; if so, of the details; if not, the reasons for that; and

(3) whether a CPC branch established in Hong Kong by any person is required to apply for registration or exemption from registration under the Societies Ordinance; if so, of the details; if not, the reasons for that?

Reply:

President,

Having consulted the Education Bureau and the Security Bureau, our consolidated reply to Dr Hon Wong's question is as follows:

Article 2 of the Basic Law of the Hong Kong Special Administrative

Region of the People's Republic of China (the Basic Law) stipulates that the National People's Congress authorises the Hong Kong Special Administrative Region (HKSAR) to exercise a high degree of autonomy and enjoy executive, legislative and independent judicial power, including that of final adjudication, in accordance with the provisions of the Basic Law. Since the establishment of the HKSAR, the Central Government has been acting in strict accordance with the basic policies of "one country, two systems", "Hong Kong people administering Hong Kong" and a high degree of autonomy, as well as the provisions of the Basic Law, and supports the HKSAR Government to implement policies in accordance with the law. This forms the foundation of Hong Kong's prosperity and stability and enables Hong Kong people to live and work in peace and contentment. Since the return to the Motherland, Hong Kong has consistently been ranked as one of the freest and most competitive economies in the world, fully demonstrating the successful implementation of "one country, two systems".

Hong Kong is a diverse and open metropolis – an international financial, trading and shipping centre, a world-renowned tourist destination, and home to a number of world-class universities. Many people from around the world are studying, doing business, working and living in Hong Kong every day. They may have different values, political beliefs or even political affiliations, but all of them must abide by the Basic Law and the laws of Hong Kong.

The state leaders have reiterated on a number of important occasions that the Central Government will uphold the implementation of the "one country, two systems" policy. At the Celebrations of the 20th Anniversary of Hong Kong's Return to the Motherland and the Inaugural Ceremony of the Fifth Term Government of the HKSAR on July 1 last year, President Xi Jinping clearly stated that "to uphold and implement the principle of 'one country, two systems' meets the interests of the Hong Kong people, responds to the needs of maintaining Hong Kong's prosperity and stability, serves the fundamental interests of the nation, and meets the shared aspiration of all Chinese." President Xi also pointed out that "the central government will unswervingly implement the policy of 'one country, two systems' and make sure that it is fully applied in Hong Kong without being bent or distorted. This will enable us to keep advancing in the right direction."

In his report delivered at the 19th National Congress in October last year, President Xi also clearly stated that upholding "one country, two systems" is one of the fourteen basic policies for propelling the future development of the country.

Premier Li Keqiang also stated in the Report of the Work of the Central Government delivered at the First Session of the 13th National People's Congress of the People's Republic of China that the principle of "one country, two systems" must be fully and faithfully implemented, and the administration should act in strict accordance with the Constitution and the Basic Law.

In his recent speech delivered at the meeting with the delegation from Hong Kong and Macao in celebration of the 40th anniversary of the reform and opening up of the country, President Xi also pointed out that "one country,

two systems" is the greatest advantage of Hong Kong and Macao. In particular, President Xi mentioned that innovation is the key to the successful development of the Greater Bay Area, and that we should give full play to the strengths of Guangdong, Hong Kong and Macao under the framework of the "one country, two systems" principle and the Basic Law.

Post-secondary institutions are independent and autonomous bodies. Institutions have the responsibility to maintain effective operation, look after their students' interests, and prevent the abuse of institutions' platforms and resources for conducting political activities. They are also obliged to ensure that nothing in contravention of the Basic Law would occur in their operation. The Government respects institutional autonomy and believes that the institutions have the ability to deal with incidents on their campuses properly.

In Hong Kong, all organisations should be registered by authorities under applicable ordinances such as the Companies Ordinance and the Societies Ordinance. Generally speaking, the Societies Ordinance applies to any club, company, partnership or association of persons, irrespective of the nature or objects, unless the organisation is a person (including an organisation) listed in the Schedule to the Societies Ordinance (such as an organisation which is already registered pursuant to other legislations).

According to section 5 of the Societies Ordinance, a local society shall apply to the Societies Officer for registration or exemption from registration within one month of its establishment or deemed establishment. The application must include details of the name, objects and particulars of the office-bearers of the society, as well as the address of the principal place of business of the society and of every place or premises owned or occupied by the society.

We will not comment on individual cases. If the act of any person or organisation is governed by the laws of Hong Kong, the authorities will follow up as appropriate in the light of the actual circumstances.

Thank you.