

LCQ2: Participation of Hong Kong Garrison in charitable activities

Following is a question by the Hon Chan Chi-chuen and a reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (November 28):

Question:

The Law of the People's Republic of China on the Garrisoning of the Hong Kong Special Administrative Region (Garrison Law) stipulates that the People's Liberation Army Hong Kong Garrison (HK Garrison) shall not interfere in the local affairs of the Hong Kong Special Administrative Region (SAR), and that the SAR Government may, when necessary, ask the Central Government for assistance from the HK Garrison in the maintenance of public order or in disaster relief. It has been reported that at the invitation of an organisation, a group of members of the HK Garrison in uniform went to a country park last month in a volunteer effort to clear fallen trees and broken branches which were left behind after the onslaught of a storm in Hong Kong. As the SAR Government had not sought assistance from the HK Garrison, some members of the public queried whether the aforesaid activity had violated the Garrison Law. In this connection, will the Government inform this Council:

(1) whether it knows the number of occasions in each of the past five years on which members of the HK Garrison in uniform performed volunteer service outside military facilities and sites, as well as the name and nature of the activities concerned;

(2) whether it will urge members of the HK Garrison not to wear uniform when performing volunteer service, so as to avoid being mistaken to be on duty; if so, of the details; if not, the reasons for that; and

(3) whether it will take measures to prevent political groups from inviting members of the HK Garrison to perform volunteer service in name but actually participate in district activities, so as to avoid the HK Garrison being said to support individual political groups; if so, of the details; if not, the reasons for that?

Reply:

President,

ã€€ã€€The Chinese People's Liberation Army Hong Kong Garrison (the Hong Kong Garrison) is the military forces stationed by the Central People's Government (CPG) in the Hong Kong Special Administrative Region (HKSAR) to perform defence functions for maintaining the sovereignty, unity and territorial integrity of the State. Over the years, the Hong Kong Garrison has reserved no effort in conducting various defence exercises, focusing on enhancing

combat level, and has been serving as a solid back-up for upholding the HKSAR's long term prosperity and stability. Besides, the Hong Kong Garrison is also a member of the Hong Kong community, seeing Hong Kong as its home with strong commitment to protecting it.

ã€ã€ã€The Hong Kong Garrison has been performing its functions and responsibilities in the HKSAR in strict accordance with the Basic Law, Garrison Law and other relevant laws, and actively complementing the HKSAR Government's law-abiding governance. Since returning to the Motherland, the Hong Kong Garrison has always been well-disciplined and law-abiding. These are witnessed and recognised by the people in Hong Kong.

ã€ã€ã€According to Article 14 of the Basic Law, the CPG shall be responsible for the defence of the HKSAR, and the HKSAR Government shall be responsible for the maintenance of public order in the HKSAR. Military forces stationed by the CPG in the HKSAR for defence shall not interfere in the local affairs of the HKSAR. The HKSAR Government may, when necessary, ask the CPG for assistance from the Hong Kong Garrison in the maintenance of public order and in disaster relief. In addition to abiding by national laws, members of the Hong Kong Garrison shall abide by the laws of the HKSAR. Since returning to the Motherland, Article 14 of the Basic Law has never been activated by the HKSAR Government.

ã€ã€ã€The Garrison Law, listed under Annex III of the Basic Law, are national laws applicable in the HKSAR. The functions and responsibilities of the Hong Kong Garrison are set out in detail in the Garrison Law. According to Article 5 of the Garrison Law, defence functions and responsibilities performed by the Hong Kong Garrison include preparing against and resisting aggression, and safeguarding the security of the HKSAR; carrying out defence duties; controlling military facilities; and handling foreign-related military affairs. According to Article 16 of the Garrison Law, obligations fulfilled by members of the Hong Kong Garrison include to be loyal to their Motherland, perform their functions and responsibilities, maintain the security, honour and interests of the motherland, and safeguard the security of Hong Kong; to abide by national laws and the laws of the HKSAR, and observe military discipline; to respect the organs of political powers, the social system and the ways of life of the HKSAR; to cherish the public prosperity of the HKSAR and the private property of Hong Kong residents and other persons; and to observe public ethics and cultivate civility and courtesy. It is stated in Articles 9 and 10 of the Garrison Law respectively that the Hong Kong Garrison shall not interfere in the local affairs of the HKSAR, and the HKSAR Government shall support the Hong Kong Garrison in its performance of defence functions and responsibilities and guarantee the lawful rights and interests of the Hong Kong Garrison and its members.

ã€ã€ã€Regarding an activity took place in October 2018 which was mentioned in the question, the HKSAR Government had already publicly pointed out in a clear way that the event concerned was a charitable activity participated by the Hong Kong Garrison on invitation. The purpose was to assist in clearing the fallen trees, withered branches and trash brought by typhoon Mangkhut within country park area. The activity concerned was not related to Article

14 of the Basic Law in respect of the HKSAR Government seeking assistance from the Hong Kong Garrison for disaster relief. In fact, after typhoon Mangkhut, different organisations and volunteers have been assisting in the clearance work of country parks under the arrangements of or after notifying the Agriculture, Fisheries and Conservation Department (AFCD). As regards the charitable activity concerned, the coordinating party has made prior notification to AFCD. The participation of the Hong Kong Garrison in charitable activities is not inconsistent with any regulation in the Basic Law, Garrison Law and other relevant laws.

ã€ã€€The various parts of the question are replied as follow:

(1) It is not a requirement nor a restriction under the Basic Law, Garrison Law and the laws in Hong Kong for the Hong Kong Garrison to seek the approval of the HKSAR Government, notify the HKSAR Government or receive the invitation from the HKSAR Government prior to conducting any charitable activities.

Having returned to the Motherland for 21 years, the Hong Kong Garrison has participated in considerable number of charitable activities. The HKSAR Government has not maintained a detailed record on such activities. However, according to our understanding, the Hong Kong Garrison has organised open days for their military sites and participated in the organisation of the summer camps for youth and tertiary students for many times. Apart from within the military sites, the Hong Kong Garrison has also been conducting various charitable activities from time to time in different districts, including taking part in tree planting and blood donation events on invitation, deploying members to visit elderly homes and kindergartens, as well as deploying the military band and cultural troupe to conduct voluntary performance for different organisations on invitation.

(2) Whether and when members of the Hong Kong Garrison would be required to wear uniforms, and under what policies and standards that such decisions are made, are the Hong Kong Garrison's management over its members and are under the subject of defence. The Hong Kong Garrison has been making decisions on its members' outfits according to the military internal regulations and orders as well as the need of their functions, responsibilities and the activities concerned. According to our understanding, the military internal regulations and orders have provided clear guidelines and basis for servicemen to wear uniform in public. In fact, members of the Hong Kong Garrison have been frequently wearing uniforms when conducting charitable activities and attending major festive occasions, prominent celebration and commemorative events, as well as other social activities outside military sites in the past. Uniform signifies the military identity of servicemen. Wearing uniform to attend public events will not only enhance the pride and commitment of the members of the Hong Kong Garrison, it will also enable public understanding of the Hong Kong Garrison. The law-abiding behaviour and charitable services of the Hong Kong Garrison shall be respected and supported.

(3) The functions, responsibilities, obligations and discipline, etc. in

relation to the Hong Kong Garrison are strictly regulated by the Garrison Law. According to Article 9 of the Garrison Law, the Hong Kong Garrison shall not interfere in the local affairs of the HKSAR. Article 17 of the Garrison Law provides that members of the Hong Kong Garrison shall not join any political, religious or public organisations in Hong Kong. Article 18 of the Garrison Law provides that members of the Hong Kong Garrison shall not engage in any other activity incompatible with their functions and responsibilities as servicemen. Since returning to the Motherland, the Hong Kong Garrison has been managing its members in strict accordance with the law and has received the respect, support and affection of the people of the HKSAR. The HKSAR Government has been truly grateful to the solid yet low key contributions made by the Hong Kong Garrison over the years. We firmly believe that the Hong Kong Garrison will continue to follow their excellent tradition to perform their functions and responsibilities according to the law.

Thank you, President.