

LCQ21: Participation of Hong Kong Garrison in voluntary activity

Following is a question by the Hon Dennis Kwok and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (December 4):

Question:

It has been reported that on the 16th of last month, some members of the Chinese People's Liberation Army Hong Kong Garrison (Hong Kong Garrison) who stationed in the Kowloon Tong barracks walked out of the barracks to Renfrew Road in Kowloon Tong to clear the road barricades there. On the other hand, Article 14 of the Basic Law stipulates that: "[t]he Government of the Hong Kong Special Administrative Region shall be responsible for the maintenance of public order in the Region. Military forces stationed by the Central People's Government in the Hong Kong Special Administrative Region for defence shall not interfere in the local affairs of the Region. The Government of the Hong Kong Special Administrative Region may, when necessary, ask the Central People's Government for assistance from the garrison in the maintenance of public order and in disaster relief". In this connection, will the Government inform this Council whether the said operation of the members of the Hong Kong Garrison was conducted in response to a request for assistance made by the Government of the Hong Kong Special Administrative Region (HKSAR) to the Central People's Government under the aforesaid article; if so, of the justifications for the HKSAR Government to make such a request; if not, whether the HKSAR Government: (i) knows the Mainland department(s) and/or official(s) on whose instruction the operation was conducted, and the justifications for issuing the instruction, and (ii) has assessed if the operation has breached the aforesaid article; if it has assessed and the outcome is in the affirmative, of the follow-up actions; if the assessment outcome is in the negative, the justifications for that?

Reply:

President,

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. The Hong Kong Garrison has received the respect, trust and affection of the people of the HKSAR.

The Hong Kong Garrison has been performing its functions and responsibilities in the HKSAR in strict accordance with the Basic Law, the Law of the People's Republic of China on the Garrisoning of the HKSAR (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.

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.

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 property 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.

On November 16 this year, many members of the public came out at their own initiative to clear a large number of barricades set up by rioters in various districts. Members of the public and various Government departments worked together to facilitate the reopening of many blocked roads. That afternoon, when members of the public were clearing the barricades in Renfrew Road near the Kowloon East Barracks (the Barracks) of the Hong Kong Garrison, some members of the Hong Kong Garrison joined them in the clearing of road blocks outside the entrance of the Barracks. The assistance of the Hong Kong Garrison in the clearing of road blocks that day was a voluntary activity initiated by themselves. The HKSAR Government did not request the Garrison's

assistance. 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. The participation of the Hong Kong Garrison in such activity was not inconsistent with any regulation in the Basic Law, Garrison Law and other relevant laws.

The Hong Kong Garrison's management over its members is a defence matter of the Hong Kong Garrison. We do not comment on defence functions which are not the affairs of the HKSAR Government.