

LCQ5: Issues relating to the promotion of "Hong Kong independence"

Following is a question by Dr Hon Junius Ho and a reply by the Secretary for Education, Mr Kevin Yeung, in the Legislative Council today (May 16):

Question:

Subsequent to his initiation of the occupation movement in 2014, Associate Professor Benny Tai Yiu-ting, who teaches at the Faculty of Law of University of Hong Kong, attended an activity entitled "The 10th Anniversary of the Taiwan Youth Anti-Communist National Salvation Corps – A Forum on Freedom and Human Rights in Hong Kong, Macao, China, Taiwan and Multi-ethnic Groups" held in Taipei on March 24 this year. When speaking at the forum, he said that "the autocratic regime in China will eventually come to an end one day... With the success in toppling the autocratic regime, it is necessary to build a democratic state and a democratic society... By then, Hong Kong people can decide whether or not to found an independent state or form a federation or confederation with the ethnic groups in other regions of China". On the 30th of last month, in response to the aforesaid remarks, the Government pointed out that any advocacy of "Hong Kong independence" ran against "one country, two systems" and the Basic Law as well as the overall and long-term interest of the society of Hong Kong, and strongly condemned the remarks of Professor Tai. Professor Tai said in response to the criticisms against him that "there is a solid academic thinking behind" his remarks, and "this was what a scholar did to put the outcome of his academic researches into personal practice". However, there are public criticisms that Professor Tai is actually promoting "Hong Kong independence" under the pretext of academic freedom. In this connection, will the Government inform this Council:

(1) whether the law enforcement agencies have studied if Professor Tai has committed any criminal offence (including the offence of "seditious intention" under section 9 of the Crimes Ordinance) by making the aforesaid remarks; if they have not studied, of the reasons for that; if they have, the outcome; whether and when law enforcement actions will be taken; if no law enforcement actions will be taken, of the reasons for that;

(2) whether the authorities will seek from Professor Tai or the University of Hong Kong the following information about the academic researches referred to by him: the titles and scopes of the research projects concerned; the commencement and completion dates of such researches; the dates of publication of the research outcome; the amounts of expenditure incurred on the researches and the sources of funding; the numbers of working hours Professor Tai spent on such researches and the numbers of workers participating in the researches; among these research workers, the ratios of full-time workers to part-time workers, and whether students were included; if students had participated in the researches, of the numbers of hours they worked; and

(3) whether the Education Bureau has issued guidelines to various education institutions (including various tertiary institutions) to prevent school campuses from becoming the breeding ground for spreading the idea of "Hong Kong independence" or inciting students to conduct activities related to "Hong Kong independence"?

Reply:

President,

The Preamble of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (Basic Law) spells out clearly that Hong Kong has been part of the territory of China since ancient times. Upholding national unity and territorial integrity, maintaining the prosperity and stability of Hong Kong, and taking account of its history and realities, the People's Republic of China (PRC) decided that upon its resumption of the exercise of sovereignty over Hong Kong, a Hong Kong Special Administrative Region (HKSAR) would be established and the Basic Law would be enacted by the National People's Congress in accordance with the Constitution of the PRC (Constitution).

Article 1 of the Basic Law clearly points out that the HKSAR is an inalienable part of the PRC. Article 12 of the Basic Law also clearly elucidates that the HKSAR shall be a local administrative region of the PRC, which shall enjoy a high degree of autonomy and come directly under the Central People's Government. This shows that Hong Kong has always been an inalienable part of China. "One country, two systems" is the best institutional arrangement to ensure Hong Kong's long-term prosperity and stability after our return to the Motherland.

Everybody with a passion for Hong Kong has the responsibility to ensure that, here in Hong Kong, "one country, two systems" advances in the right direction, the obligation to say "no" to any attempt to threaten our country's sovereignty, security and development interests, as well as the duty to nurture our next generation into citizens with a sense of national identity, an affection for Hong Kong and a sense of social responsibility. Any advocacy of "Hong Kong independence" runs against "one country, two systems", the Basic Law as well as the overall and long-term interest of the society of Hong Kong. The community has high expectations of our teachers and professors in particular. The remarks by Associate Professor Benny Tai that Hong Kong could consider becoming an independent state were strongly condemned by the HKSAR Government on March 30, 2018.

Our reply to Dr Hon Junius Ho's question is as follows:

(1) The HKSAR Government reiterated in its statement on March 30, 2018 that any advocacy of "Hong Kong independence" runs against "one country, two systems", the Basic Law as well as the overall and long-term interest of the society of Hong Kong. When meeting the media in April 2018, the Chief Executive also pointed out that the HKSAR Government and Hong Kong society both had the responsibility to safeguard national security, territorial integrity and development interests. Hence, "Hong Kong independence", in word

and deed, is totally unacceptable as it violates the Constitution and the Basic Law, undermines "one country, two systems" and the prosperity and stability of the HKSAR.

With regard to any acts that may constitute criminal offences, as in the past, law enforcement departments will handle such cases in accordance with the law.

(2) To set the record straight, the HKSAR Government issued a statement on March 30, 2018 to strongly condemn Associate Professor Benny Tai's remarks related to "Hong Kong independence". This was not an issue of freedom of speech or academic freedom.

We safeguard and respect academic freedom and institutional autonomy according to the law. The universities have the authority to decide on their research disciplines and projects and those of their academic staff. According to the Notes on Procedures of the University Grants Committee (UGC), the initiation and acceptance of research proposals is a matter of institutional autonomy. That said, the Notes on Procedures also state that the autonomy does not exempt institutions from public interest. We trust that institutions will handle institutional affairs according to the law and established mechanisms. We do not maintain information on specific academic research projects.

Associate Professor Benny Tai's remarks have aroused public concern. In response to the question raised by Member of the Legislative Council, the Education Bureau (EDB) has made enquiries with the Research Grants Council (RGC) and the University of Hong Kong (HKU). According to the information provided by RGC, it has not funded Associate Professor Benny Tai to conduct any academic research projects that advocate "Hong Kong independence". HKU has advised that information on research findings, conference papers, publications, etc. of its academics (including Associate Professor Benny Tai) is available in detail at the HKU Scholars Hub (hub.hku.hk/) for public reference.

(3) Our stance all along is that any proposals or activities advocating "Hong Kong independence" should not be allowed on our campuses. We also request the education sector to guard against pro-independence activists from infiltrating into our campuses. We have all along maintained communication with the education sector on various matters and offer them support and advice as and when necessary. In fact, the education sector has gained considerable experience over the years in handling politicised incidents with appropriate responses, demonstrating professionalism in ensuring that students can study in a safe and orderly environment, are taught professionally and are offered counselling as needed.

Post-secondary institutions are autonomous bodies and the EDB believes that they have the responsibility as well as the ability to deal with incidents on their campuses properly while looking after their students' interests. Our post-secondary institutions are obliged to ensure that nothing in contravention of the Basic Law would occur in any aspect of their operation, including that none of their platforms and resources will be

abused to advocate "Hong Kong independence" and promote such activities. Such obligation is in line with public expectations. In this connection, all our universities have clearly stated that they do not support "Hong Kong independence", recognising it a contravention to the Basic Law.

The Government and post-secondary institutions are committed to safeguarding academic freedom and freedom of expression as guaranteed by the Basic Law. Meanwhile, in view of the importance of higher education to the development of our society, it is incumbent upon the Government and the community at large to have a legitimate interest in the operation of the institutions. Both faculty and students should bear in mind Articles 1 and 12 of the Basic Law, respect law and order, and exercise their freedom of expression with caution.

In respect of elementary education, we elucidated in August 2016 our stance in a letter addressed to principals and teachers of all secondary schools in Hong Kong, calling upon them to uphold professionalism in discharging their duties and protect students from being misled into taking part in the promotion of any activities that contravene the Basic Law or the law. The EDB officers meet with principals of the public sector and Direct Subsidy Scheme secondary schools from time to time. In these meetings, we discuss with the principals and advise them on the proposed approach to handling controversial issues, including "Hong Kong independence". In addition, the schools are urged to make the best endeavours to implement the Basic Law education effectively. The attendees also share their past experience of dealing with similar cases and explore concertedly how to guide students in developing proper concepts on the issues in question.