



**Q11 Is Hong Kong a free port and a separate customs territory ?**

**A** The HKSAR is a separate customs territory. The HKSAR, using the name "Hong Kong, China", is a member in its own right of the World Trade Organisation and the World Customs Organisation. Ships of all nations enjoy access to the ports of the HKSAR, which is a free port, in accordance with the laws of the Region. Export quotas, tariff preferences and other similar arrangements, which are obtained or made by the HKSAR or which were obtained or made and remain valid, shall be enjoyed exclusively by Hong Kong. (BL Articles 114; 116; 126)

**Q12 Can Hong Kong conclude and implement agreements with foreign states and regions or international organisations, and participate in international conferences ?**

**A** Hong Kong plays an active role in the international arena and maintains close contact with its international partners. The HKSAR may under the authorisation of the CPG conclude certain agreements with foreign states or regions, or may on its own, using the name "Hong Kong, China", maintain and develop relations and conclude and implement agreements with foreign states and regions and relevant international organisations in the appropriate fields.

Since Hong Kong's return to the Motherland, the HKSAR Government, authorised by the CPG or on its own, has concluded about 600 bilateral agreements in accordance with the Basic Law, including air services agreements, visa abolition agreements, free trade agreements, and cultural co-operation agreements etc. In addition, the HKSAR may, as members of delegations of the People's Republic of China, or in such other capacity as may be permitted by the CPG and the international organisation or conference concerned, or using the name "Hong Kong, China", participate in relevant international organisations and conferences. (BL Articles 96; 133; 151; 152; 155)

**Q13 Can foreign enterprises participate fully in Hong Kong's economy ?**

**A** Yes. Hong Kong welcomes and encourages the participation of foreign enterprises, and provides a level playing field for all. There are no foreign exchange controls in Hong Kong and no restrictions on the trading of gold, securities, futures and the like. The Basic Law stipulates that Hong Kong shall maintain the status of a free port, pursue the policy of free trade and safeguard the free movement of goods, intangible assets and capital. (BL Articles 112; 114; 115)



**Q14 Is Hong Kong an easy place to visit for tourists or international business people ?**

**A** Yes, very much so. Hong Kong has autonomy in immigration control. It maintains its own immigration laws and procedures and has a very liberal visa policy. As of September 2018, 162 countries or territories have granted visa-free access or visa-on-arrival to HKSAR passport holders. (BL Articles 154; 155)



**Q15 Is Chinese the only official language allowed under the Basic Law ?**

**A** No, in addition to Chinese, English is also an official language used by the executive authorities, the legislature and the judiciary of the HKSAR. (BL Article 9)

**Q16 What is the role of the People's Liberation Army in Hong Kong under the Basic Law ?**

**A** The maintenance of public order in the HKSAR is the responsibility of the HKSAR Government. The People's Liberation Army stationed in the HKSAR is responsible for the defence of the HKSAR and does not interfere in the local affairs of the HKSAR. In addition to abiding by national laws, members of the garrison shall abide by the laws of the HKSAR. Expenditure for maintaining these military forces is borne by the CPG. (BL Article 14)

**Q17 What does the Basic Law say about democratic development in Hong Kong ?**

**A** The Basic Law sets out the blueprint for the democratic development of the HKSAR. The method for selecting the Chief Executive and forming the Legislative Council shall be specified in the light of the actual situation in the HKSAR and in accordance with the principle of gradual and orderly progress. The ultimate aim is the election of the Chief Executive and all the members of the Legislative Council by universal suffrage. (BL Articles 45; 68; Annexes I and II)



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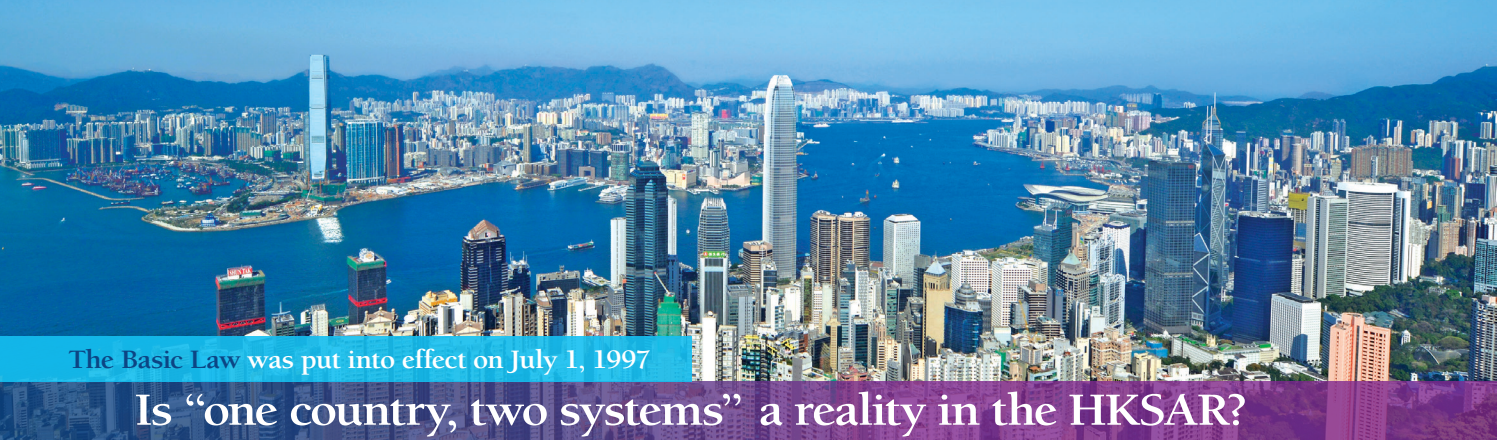
# Hong Kong AND BASIC LAW



## The Basic Law

is the constitutional document of the Hong Kong Special Administrative Region (HKSAR). It provides the guarantees to maintain Hong Kong's existing way of life, including socio-economic development, the rights and duties of Hong Kong people, the rule of law and other areas.





### Q1 Are Hong Kong people administering Hong Kong with a high degree of autonomy ?

**A** In accordance with the Constitution of the People's Republic of China, the National People's Congress (NPC) enacted the Basic Law, authorising the Hong Kong Special Administrative Region (HKSAR) to exercise a high degree of autonomy and enjoy executive, legislative and independent judicial powers, including that of final adjudication, in accordance with the Basic Law. The Central People's Government (CPG) shall be responsible for the foreign affairs and defence relating to the HKSAR and other matters authorised by the Basic Law. It also authorises the HKSAR to conduct relevant external affairs on its own in accordance with the Basic Law. The HKSAR shall have independent finances and shall use its financial revenues exclusively for its own purposes. We are not required to pay taxes to the CPG. (Basic Law (BL) Preamble, Articles 2; 12-17; 19; 22; 106)

### Q2 Has the CPG or any Mainland province interfered in the administering of the HKSAR Government ?

**A** No. Hong Kong has enjoyed a high degree of autonomy since its return to the Motherland on July 1, 1997. In accordance with the Basic Law, the CPG has scrupulously upheld the principle of “one country, two systems” and the promise of “Hong Kong people administering Hong Kong”. No department of the CPG and no province, autonomous region or municipality directly under the CPG has interfered in the affairs which the HKSAR Government administers on its own in accordance with the Basic Law. (BL Articles 2; 12; 22)

### Q3 Does the HKSAR enjoy executive, legislative and independent judicial powers ?

**A** Yes. The NPC authorises the HKSAR to exercise a high degree of autonomy and enjoy executive, legislative and independent judicial powers, including that of final adjudication. The Chief Executive heads the HKSAR and the Government of the HKSAR. The Executive Council, consisting of members appointed by the Chief Executive, assists the Chief Executive in policy making. The legislature, which is constituted by election, enacts legislation, while the judiciary exercises judicial power independently free from interference. (BL Articles 2; 16; 17; 19; 43; 54; 55; 66; 68; 73; 85)

### Q4 Has there been any interference in the independence of the Judiciary ?

**A** No. Hong Kong's robust and respected court system exercises judicial power independently, free from any interference. The power of final adjudication is vested in the Court of Final Appeal of the HKSAR, which may as required invite judges from other common law jurisdictions to sit on the Court of Final Appeal. The principle of trial by jury previously practised in Hong Kong is maintained. (BL Articles 2; 19; 81; 82; 85; 86 )

### Q5 Have the laws previously in force in Hong Kong been maintained ?

**A** The Basic Law provides that laws previously in force in Hong Kong, that is, the common law, rules of equity, ordinances, subordinate legislation and customary law, shall be maintained and adopted as laws of the HKSAR, except for any that contravenes the Basic Law, and subject to any amendment by the HKSAR legislature. (BL Articles 8 ; 18; 160)

### Q6 Are Mainland laws applicable to Hong Kong ?

**A** Generally speaking, national laws of the Mainland China are not applied in the HKSAR. Article 18(2), (3) and (4) of the Basic Law provide for application of national laws in the HKSAR. Such national laws as applied in the HKSAR shall be listed in Annex III to the Basic Law. Currently, a total of 13 national laws are so listed in Annex III, all of which concern matters outside the limits of the HKSAR's autonomy. They include national laws on the capital, calendar, national anthem, national flag, national day, national emblem, territorial sea and contiguous zone, exclusive economic zone and continental shelf, nationality, garrisoning, diplomatic and consular privileges and immunities as well as judicial immunity of assets of foreign central banks. (BL Article 18; Annex III)

### Q7 Have Hong Kong's capitalist system and way of life been preserved ?

**A** The Basic Law provides that the capitalist system and way of life shall remain unchanged. Hong Kong maintains a free and open market economy with a free flow of capital, goods, intangible assets, and a freely convertible currency. People's lifestyle remains the same as before. (BL Articles 5; 112; 115)

### Q8 Do Hong Kong people enjoy a wide range of personal freedoms ?

**A** Chapter III of the Basic Law guarantees a wide range of rights and freedoms to be enjoyed by Hong Kong people. The provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and international labour conventions as applied to Hong Kong continue to remain in force. (BL Articles 27-39) The extensive rights and freedoms of Hong Kong people are borne out by, for instance, the fact that Hong Kong residents participate freely in processions and assemblies; newspapers regularly comment on or criticise government decisions and policies, and people express freely their opinion in Hong Kong's open society.

### Q9 Do Hong Kong residents have the right to vote and to stand for election ?

**A** Permanent residents of Hong Kong have the right to vote and stand for elections in accordance with law. Election to the sixth term Legislative Council of the HKSAR was held on September 4, 2016. A total of 289 candidates stood for the election. A total of 2.2 million geographical constituency (GC) voters turned out to vote, representing about 58% of registered voters in the GCs. 35 Members were returned from five GCs, while the other 35 Members were returned from 29 functional constituencies (FCs), including the District Council (second) FC. About 3.47 million registered GC electors who do not belong to any of the 28 traditional FCs can cast one vote each in their respective GC and the District Council (second) FC. (BL Article 26)

### Q10 Does the HKSAR Government have complete control over fiscal and economic policies and safeguard the free movement of goods, assets and capital ?

**A** The HKSAR Government formulates its own economic policies; manages its finances independently; prepares its own budgets; issues its own freely convertible currency; practises an independent taxation system; keeps its low and simple tax regime; formulates its own monetary and financial policies; safeguards the free flow of capital; maintains the status of a free port; pursues a policy of free trade and protects the free movement of goods, intangible assets and capital. (BL Articles 62; 106-119)

