

THE FINAL REVISION OF THE TEXTS REGARDING "RELIGION" IN THE BASIC LAW OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION

On June 19, 1987, Basic Law drafters, Master Shi Jueguang (Buddhist leader) and Bishop Peter Kwong (Anglican) called a meeting of the leaders of Hong Kong's major religions and other concerned persons, during which they made an oral report on the final revision of the texts regarding religion in the draft of the Basic Law. About 14 or 15 invited representatives attended the meeting, of whom three were Roman Catholics. The meeting was held in the Basic Law Consultative Committee's meeting room on the 8th floor of the Lane Crawford Building in Central. They also heard various opinions, which they will bring up and discuss at the 5th plenary session of the Basic Law Drafting Committee to be held at the end of August in Beijing.

The report and subsequent discussion that day revolved around the content of the articles regarding "religion" in Chapters Three and Six of the Basic Law. After a few introductory remarks by Master Shi Jueguang, Bishop Kwong read out the content of the articles regarding "religion" in Chapters Three and Six as follows:

CHAPTER THREE: The Basic Rights and Duties of the Residents of the HKSAR

Article Two: All resident of Hong Kong, regardless of nationality, race, cultural minority, sex, profession, religion, faith, level of education and financial situation are equal before the law.

Article Nine: The residents of Hong Kong have freedom of faith and freedom of religion. They are free to evangelize, hold meetings and participate in religious activities. Hong Kong residents are free to believe in other things.

CHAPTER SIX: The policy regarding education, science, technology, culture, sports, vocational training, social welfare, etc. in the HKSAR

- * Relations between organizations and religious bodies concerned with education, science, technology, culture, sports, vocational training, social welfare, etc. in the HKSAR and similar organizations in the interior should be based on the principles of non-subordination, non-interference, and mutual respect.
- * Every kind of school, including those administered by religions and social organizations, can maintain its independence, enjoy freedom of scholarship and continue to hire teachers and select materials from outside the HKSAR.
- * Religious bodies, social organizations, and even individuals, may continue to initiate all kinds of educational enterprises in the HKSAR.
- * The government of the HKSAR will not interfere in, nor limit, religious activity. However, religious activities should not contravene the law of the HKSAR.
- * School (including seminaries), hospitals, welfare organizations, and social enterprises run by religious bodies may continue to exist and develop.
- * The rights of ownership of property, of administration and of control which religious bodies enjoy according to the law will continue to be maintained. Religious bodies may receive the financial support of believers.
- * Religious bodies and believers may continue to maintain the relations which they already have with foreign religious organizations.

While Bishop Kwong was making the above report, he added the following explanations:

1. The above represents the final revision of the content of the Basic Law. However, alterations in wording can still be considered. As for the opinions mentioned by each one today and afterwards, Master Jueguang and I will make these known at the Beijing meeting in August.
2. In Chapter Three, the original draft mentioned "religious faith" and did not make distinctions; however, the revised version places a comma between "religion" and "faith" (or "belief"), indicating that there is a distinction between them.

3. Chapter Six reads: "The government will not interfere in, nor limit, religious activities." This is very convenient for us; but in order to avoid arbitrary freedom, and to prevent the unlawful activities of heterodox sects, someone proposed changing "religious activities" to "lawful religious activities". Finally, another view prevailed, that is, the addition of another phrase: "Religious activities should not contravene the laws of the HKSAR," to provide a balance. This balanced text is the best text we could think of. Of course, we are still open to other opinions.

The Protestant attendees at the meeting voiced the following opinions:

1. Although Chapter Three declares: "All are equal before the law," still the Basic Law should clearly state words to this effect: Hong Kong residents because of nationality, sex, religion, sex, religion, etc.....should not be subject discrimination."
2. The text should clearly state that an organization for the supervision of religion, such as the Bureau of Religious Affairs, will not be established in Hong Kong.

Catholic representatives at the meeting offered these suggestions:

1. Since it is written in the Basic Law that "Hong Kong residents must fulfill their duties in accordance with the law of the HKSAR," it is unnecessary to add further words in Chapter Six which state "religious activities should not contravene the law of the HKSAR." The reason is that if it is written like this, it is likely to have the opposite effect, namely of arousing suspicions of untrustworthiness towards religious believers.
2. The phrase in Chapter Six which reads: "religious organizations and believers can maintain the relations which they already have with foreign religious organizations," should be changed to: "religious organizations and believers can maintain and develop their relations with foreign religious organizations."

Considering the report overall, although the wording of the texts regarding "religion" in the Basic Law is tolerable, still the words do not fully reflect the spirit of "religious freedom as a God-given right." Therefore we hope everyone will give their close attention to the matter, offer his/her valuable opinions, and pray for the drafting of a just Basic Law. (text supplied by Holy Spirit Study Centre)