

A CHINESE WEEKLY OF NEWS AND VIEWS

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## HK BASIC LAW



China's Burgeoning Soft Sciences



Cui Baolin (right), a farmer who has prospered, shares his 10-room home with four elderly men of his village, whom he volunteered to support.

*Li Tiecheng*

A senior citizens' home built with funds donated by local people.

*Zhu Guangzhi*



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COVER: Wei Yu, electronics expert and president of the Nanjing Engineering Institute.

Xue Chao

## HIGHLIGHTS OF THE WEEK

### Draft of Hong Kong Basic Law Published

■ The Hong Kong Basic Law Drafting Committee has made its draft law public to solicit views from people in Hong Kong and the mainland. The full text of the draft (p. 19).

### Burgeoning Soft Sciences

■ In its process of modernization, China has at last turned its attention to developing the soft sciences, recognizing their importance in economic construction and policy-making (p. 12).

### Farmers and the Law of Value

■ China registered a 9.4 percent increase in its GNP to 1,092 billion yuan last year, despite supply shortages of some foods. The adoption of preferential policies has eased the strain on pork supplies, but continued, stable agricultural growth requires increased investment in agriculture, the popularization of new technology and the organization of farm production according to the law of value (p. 4).

### The Need of the Spirit of Dedication

■ In an interview with BR correspondent, President of the Nanjing Engineering Institute, Wei Yu discussed her achievements and the difficulties she has faced since taking on the post of president in 1987 (p. 16).

# Farmers and the Law of Value

by Zhou Minyi

Some foreign newspapers recently reported that China's agriculture is withering in a crisis compounded by shortages of food grains and pork. They even asserted that 1987 was the worst year for China's economic restructuring. These reporters were simply making a fuss about nothing.

China's economy is advancing under the guidance of the policies of reform and opening up. In 1987, economic restructuring made significant progress towards ensuring a stable economic growth. China's GNP rose from 946 billion yuan in 1986 to 1,092 billion yuan last year, up 9.4 percent, 3 percent over the planned growth rate. Last year China produced 402.4 billion kg of grain, 10.9 billion kg more than in 1986 but 4.6 billion kg less than the record production of 1984. Last year the total output value of township and village enterprises surpassed that of agriculture for the first time in China's history.

There was indeed a short supply of and price rise in pork last year, but this is by no means an agricultural decline or crisis. It merely represented fluctuation in agricultural production.

Following the rich grain harvest in 1984, grain prices, dropped and the soon area to grain crops decreased, resulting in a reduced grain output in 1985. The fall in grain prices in 1984 was followed by a boom in pig farming in 1985 when grain production fell. These factors led to a rapid rise in the price of grain in 1986, and an increase in grain production. Pig farming then became a losing industry. The mounting demand for pork among city dwellers constituted another factor con-

tributing to the pork shortages of 1987. To counter the shortages, many cities introduced rationing towards the end of 1987.

The rise and fall in grain and pork production and prices indicate that farmers operate by the law of value.

Over the past nine years, vast changes have taken place in rural China, because the central authorities, intending to emancipate rural productive forces, have taken a series of important measures, such as the institution of the output-based contract responsibility system in agricultural production, the introduction of the market mechanism and the increased purchase prices of farm produce.

Chinese farmers, now independent commodity producers, have the right to choose their investment orientation and produce commodities in the light of market forces. For example, they can invest less when they believe grain production will not pay off; and they can stop pig farming when they believe it won't be profitable. Open pricing of fruits and aquatic products attracted many farmers to produce these commodities. Not long ago, when Guangzhou allowed the price of seafood to float on the free market, prices skyrocketed to the displeasure of city dwellers. But when more fish became available on the market prices once more became stable. Last summer some 100 million kg of water melon were shipped into Beijing from the city's outskirts, and even from Hebei, Shandong, Henan and Xinjiang. Local residents could buy reasonably priced melons without queuing up. Water melon farmers were also satisfied because

the Beijing authorities allowed market prices to float.

Strained supplies of farm and sideline products were due to the fact that after farmers were brought into the orbit of a commodity economy, the state fell out of step by failing to introduce attendant regulations. The state's macro-economic policies needed much improvement and some policy decisions made ran counter to the law of value.

Over a long period of time, the selling price of many farm and sideline products supplied to the cities were unreasonably low. The state was forced to grant city dwellers several hundred billion yuan in subsidies to ensure a stable supply of grain and certain non-staple foods at fixed prices. On the other side of the coin, farm and sideline products were purchased at prices much lower than their selling price on the free market. This practice, originally intended to stabilize prices, dampened farmers' enthusiasm for production. As a result, the supply of farm and sideline products fell and prices went up.

Fluctuations in production and prices of grain and pork drew the attention of Chinese economic planners to the fact that the law of value should be applied when dealing with farmers. There are still many difficulties ahead for reforms to farm and sideline product pricing. For example, agricultural production will remain stagnant and farmers' enthusiasm will never be fully mobilized if farm and sideline product prices are not freed. But if prices are completely subject to market forces, city dwellers with relatively low incomes will be hit hard. To get around this paradox,

## Meeting Boosts National Unity

**C**ommunist Party General Secretary Zhao Ziyang has called on all of China's people to unite more closely in a common effort to develop the country.

At the opening of a conference called to commend outstanding groups and individuals for their contributions to national unity and progress, Zhao spoke on the importance of nationality work and the Party's and state's basic policy on nationality affairs. He also addressed the questions of how to promote the cultural and economic development of areas populated by minority groups and how to better carry out the system of regional national autonomy. (A slightly abridged translation of Zhao's speech will appear in the next issue of *Beijing Review*.)

More than 4,000 representatives from 56 ethnic groups and various government departments attended the conference, which was held on April 25-29 in Beijing. It was the first meeting of its kind since the founding of New China.

Isamil Amat, minister in charge of the State Nationalities Affairs

Commission, called the meeting a significant event in the political life of the Chinese people and a milestone in China's nationalities work.

Speaking at the opening ceremony, he said that by exchanging and analysing experiences in nationalities' work, the conference would speed up the development of minority areas.

A total of 565 groups and 601 individuals from 56 nationalities were commended at the conference. Many were cited for promoting unity among different ethnic groups or within their own nationalities. Others set a good example in carrying out the policy of opening up to the outside world or the economic structural reform, while still others were commended for their economic, cultural or educational work in minority areas.

People who have been outstanding in defending the country's frontier from outside invaders or in opposing separatism and protecting national unity also received commendations.

**A minority nationality representative presents a colourful embroidered ball to Party General Secretary Zhao Ziyang.**

LU SHUMEI



the expedience is: to further free prices of farm and sideline products and at the same time subsidize city dwellers according to the price index.

The benefits are: producers can organize production in the light of market demand and consumers can arrange their consumption according to their incomes. This will help stabilize prices and solve the contradictions between city dwellers and farmers.

The introduction of these measures has relieved the strain on pork supplies and rationing has been lifted in some cities.

Of course, to ensure continued, stable growth in agricultural production, it is necessary, apart from organizing agricultural production in the light of the law of value, to adopt some other important measures. More investment in agriculture should be encouraged, research strengthened and technology popularized; more assistance from industry especially in the supplies of much needed fertilizers and plastic sheets should be directed towards agriculture; and the rural economic structure should undergo continual readjustment. In addition, township and village enterprises should be further developed to siphon off as much rural labour as possible from the farming and leave farmland to the care of fewer hands. ■

Other top Party and government leaders including Yang Shangkun, Wan Li and Li Peng attended the opening ceremony for the conference and met the participants on April 28. ■

## Political Bureau Examines Proposals

Two recent meetings of the Political Bureau of the CPC Central Committee praised the work of the first sessions of the Seventh National People's Congress (NPC) and the Seventh National Committee of the Chinese People's Political Consultative Conference (CPPCC).

The sessions achieved major results, the bureau said. Important steps have been taken in improving socialist democracy and establishing a sound legal system.

The bureau meetings discussed the proposals and suggestions raised at the sessions by NPC deputies and CPPCC National Committee members.

The seventh bureau meeting, held on April 15, dealt with education, price rises, and Party and government conduct, all topics of lively discussion at the NPC and CPPCC sessions. The members decided to set up special groups to study these issues and try to work out solutions.

At the eighth bureau meeting, held on April 27, members discussed the suggestions advanced by the special study groups and concluded that they were correct and practical.

The bureau asked the Party Central Committee and departments concerned to carry out the suggestions related to the Party work. It proposed that the State Council and government departments take measures to deal with the issues within their field of responsibility.

The bureau asked Party

organizations and members, particularly those in leading positions, to work selflessly, strictly observe laws and discipline, raise their work efficiency and serve the people wholeheartedly.

It reaffirmed the assessment of the country's economic situation made at previous meetings and endorsed the principles, and the State Council's programme, for this year's economic work.

It noted that economic growth in the first quarter of the year was good, but there are still many contradictions and difficulties on the road of development.

Under these circumstances, it asked Party organizations and members to put the country's overall and long-term needs above any personal, group or immediate interests.

As long as the principles and programmes of the Party and the State Council are implemented, the bureau noted, the contradictions and difficulties will be overcome and the country's economic and political situation will further improve.

China is at a critical juncture in its modernization drive and requires the devotion of everyone, the bureau said. In the course of economic and political restructuring, an honest government is imperative.

It urged the strengthening of ideological and political work to fire the enthusiasm of Party members, cadres and others for advancing socialist modernization. ■

## HK Basic Law Made Public

The draft of the basic law for the projected Hong Kong Special Administrative Region (SAR) was published both on China's mainland and in Hong Kong on April 28 in order to solicit public opinion.

The decision to publish the draft was made by the Drafting Committee after three days of discussions in Beijing.

The draft, which took nearly three years to map out, consists of a preface, 10 chapters (172 articles) and three annexes.

The basic law, to be adopted by the National People's Congress (NPC), stipulates the system to be set in the Hong Kong SAR. It affirms that the SAR will enjoy a high degree of autonomy and be vested with executive, legislative and independent judicial power, including that of final adjudication.

The region will not implement a socialist system and policies and will maintain the current capitalist system and lifestyle for 50 years.

The laws currently in force in Hong Kong will remain unchanged, except those which contradict the basic law or revisions made by the legislative body of the SAR.

Hong Kong will be a local administrative region of China, directly under the authority of the central government. The SAR will prohibit by law any acts aimed at undermining national unity and subverting the central government. Under the law, Hong Kong residents and other people in Hong Kong will enjoy wide-ranging democratic rights and freedom.

Steps will be taken to maintain Hong Kong's status as an international financial and aviation centre. Hong Kong will maintain free economic relations and trade with foreign countries and protect outside investment by law. It will remain a free port and an independent area in terms of duties and tariffs.

Opinions and suggestions on certain articles offered by members of various work groups were published along with the draft.

In a commentary on April 29, *Renmin Ribao* (People's Daily) said the publication of the draft

represents a new stage in the evolution of the basic law.

The law will embody the policies of both the Chinese and British governments towards Hong Kong, and legally codify the great concept of "one country, two systems," the commentary said. ■

## Meeting Honours Rewi Alley

**M**ore than 500 people—from China, New Zealand, Australia, Britain, the United States, France and Canada—gathered in the Great Hall of the People on April 21 to commemorate Rewi Alley. The renowned New Zealand social activist, writer, poet and long-time friend of the Chinese people died last December 27 at the age of 90.

Chinese Vice-President Wang Zhen spoke at the meeting, which was organized by the Chinese People's Association for Friendship with Foreign Countries. Wang described Alley as an outstanding example among a large group of friends from other lands whom the Chinese people will always remember for their great contribution to the revolution and the development of China.

Alley worked the longest in China, and was involved in a wide range of activities. From his arrival in Shanghai on April 21, 61 years ago, he devoted his whole life to the liberation of the Chinese people and the construction of their country.

Alley disdained personal glory. In his last will and testament, he wrote, "Please no fuss. It is just one more soldier marching on."

Fran Wilde, New Zealand's associate minister of Foreign Affairs, addressed the meeting.



**Rewi Alley talks to peasants during a visit to Shandan County, Gansu Province in June, 1982.**

"Rewi Alley combined together into a rare blend the qualities of practicality and idealism." His ideals and activities serve today as an example to New Zealand and China as they pursue development and peace, Wilde said.

Dr. Ma Haide (George Hatem), who came to live in China from the United States, was a close friend of Alley for more than half a century. Alley was an extraordinary person, Ma said. "Very few could leave their own country and dedicate their lives to the people of another country and leave an indelible memory. Very few could make such enormous contributions in a limited time.

"Rewi was an imaginative writer and poet as well as a down-to-earth man of action. He was a dreamer and doer. He was talented in many ways, from appraising ancient ceramics to organizing industrial co-operatives, writing books, translating ancient poems by Li Bai and Du Fu, training peasant youth and fighting for peace. He had a broad knowledge of Chinese history; was well-informed about

the resources, environment, customs and folkways of China from the coastal regions to the interior; and could always see China's problems in the light of its thousands years of history and its role in the 1980s. He had the vision and tenacity of a leader and organizer as well as deep and gentle compassion, concern and sympathy.

"It was Rewi who introduced me to the meaning of the Chinese revolution and love for the Chinese people" Ma recalled.

Zhang Wenjin, president of the Chinese People's Association for Friendship with Foreign Countries, urged Chinese people to learn from Alley's dedication to internationalism and his integrity and selflessness. Zhang praised Alley as a man whose greatness lay in his commonplaceness. "He lived and worked like an ordinary man but achieved extraordinary deeds," Zhang said.

Chinese senior diplomat Huang Hua described his old friend Alley as a prestigious and honourable "old China hand" who built a

gigantic bridge of mutual understanding and friendship between the Chinese people and other peoples of the world. "It is common knowledge that through Edgar Snow we gave US President Richard Nixon the opening to come to the Beijing meeting which subsequently led to the normalization of Sino-US relations. The fact is, Snow resumed his relations with liberated China when he came in 1960 as Rewi's personal guest."

Recalling Alley's life, the meeting participants agreed that the name of Rewi Alley is an integral part of China's revolutionary history. The man will live forever in the hearts of the Chinese people.

## Reform Plans Set For This Year

**T**he Chinese government has published details of this year's programme for broadening the reform of the economic structure.

The programme, which has been approved by the State Council, was designed by the State Commission for Restructuring the Economy. Foremost among the main tasks for 1988 will be efforts to implement and perfect the contract managerial responsibility system in enterprises and extend the reform of enterprise management.

Other targets for reform include planning, investment, materials supply, foreign trade, banking, finance, taxation and housing. To promote steady growth of the national economy, efforts will be made to strengthen the pricing system and the administration of investment in fixed assets and funds for consumption.

State-owned enterprises will implement reforms aimed at separating management from ownership. The right to have, use and dispose of fixed assets will be

turned over to the enterprises, while enterprise ownership remains unchanged. Small state-owned enterprises can be leased or contracted out, and some can be auctioned off, depending on the circumstances.

The programme stresses that enterprises must strictly observe state policies on prices and refrain from raising prices to the detriment of the state and consumers.

Enterprises must also ensure that a large part of their profit is used to upgrade technology and expand production, and that workers' incomes do not grow at a faster rate than productivity.

The investment in fixed assets and the growth of consumption funds will be controlled through various economic and legal means. Governments and departments at all levels are asked to support the banks in establishing a strict and rational investment system and checking excessive growth in investment.

Regarding consumption funds, the general principle is to increase people's living standards in line with the development of production.

Most state investment this year will focus on state-budgeted infrastructure projects. But the investment in infrastructure will not be excessive and will mainly be for key projects specified in the Seventh Five-Year Plan (1986-90). Local governments are directed to use their funds to build up basic industries and infrastructure.

The programme outlines plans to set up a small number of specialized investment corporations to invest in energy, raw materials, transport and agriculture. It recommends that materials supply departments under various ministries gradually become part of the Ministry of Materials.

With respect to price reform, comprehensive supplementary

measures will be taken to control the rise of prices and put a stop to arbitrary price hikes. The programme calls for achieving a balance between total supply and demand, and stabilizing markets.

Financial markets will be further developed and improved, while tightening credit, controlling the money supply and balancing the budget. Interbank loan markets will be set up in cities where conditions are ripe to facilitate the flow of funds among various specialized banks and different regions.

Enterprises, particularly construction companies working on key projects and certain factories, will be allowed to issue long- and medium-term bonds to the public, with the approval of the People's Bank of China (the central bank). A system of floating interest rates, based on central bank loan rates, will be set up to regulate the flow of money.

China's current deficit will gradually be covered by issuing state bonds to the public, specialized banks and other financial institutions. The central bank will also strengthen its supervision and management over the assets and liabilities of specialized banks, non-banking financial institutions and other financial organizations, and urge them to set aside funds to provide for any bad loans.

Meanwhile, China also plans to improve its taxation system to better regulate the economy. Heavy fines will be imposed on tax evaders.

The current reform of the housing system will spread nationwide within five years. This year 80 cities, including Beijing, Tianjin, Shanghai and provincial capitals, will be chosen as the first group to undergo housing commercialization. ■



JAPAN

## Okuno Seeks to Reverse Verdict on War

*The defence by the head of Japan's National Land Agency of the war of aggression waged by Japan is completely preposterous and intolerable.*

Seisuke Okuno, director-general of Japan's National Land Agency, tried to reverse history's verdict on World War II when he visited Tokyo's Yasukuni Shrine in his capacity as a cabinet member.

Okuno told a press conference following the April 22 visit that Japan was not an aggressor in World War II: "It fought to protect itself at a time when the white race had turned Asia into a colony."

The Yasukuni Shrine is a Shinto religious place where memorial ceremonies are held for war dead, including war criminals. China and other Asian nations which suffered under the military heel of the Japanese empire oppose visits to the shrine by Japanese leaders on the grounds that tablets for some of Japan's worst war criminals have been erected there. The criminals include Hideki Tojo and others judged "A-class" by the Far East Military Tribunal.

In defiance of these facts, Okuno described China's objection to such visits as manipulating his country. The Japanese people have been "twisted around by the remarks of Mr. Deng (Xiaoping)," he told Japanese reporters.

Chinese leaders have indeed given well-intentioned advice to Japan when it has done something harmful to Sino-Japanese relations. In so doing, China has acted in accordance with the Sino-Japanese joint statement, issued on the establishment of diplomatic relations 16 years ago. The statement also called for Japan to make a self-criticism about the

war. Okuno's remarks prove that if the war of aggression which Japan launched in World War II is not correctly understood, it will be impossible for Japan to adopt a correct attitude towards Sino-Japanese relations.

Okuno, 74, is one of the prominent hawks in the ruling Liberal Democratic Party. As justice minister in the Zenko Suzuki cabinet, he proposed launching discussions to amend Japan's constitution, which is based on the renunciation of war, in an attempt to restore Japan's militarization.

Okuno also is the head of a Diet members' association which advocates visiting the Yasukuni Shrine on August 15, the anniversary of the defeat of Japan. Okuno visits the shrine each year on that day.

On August 15, 1986, after his visit to the shrine, Okuno alleged that a ceasefire agreement between Japan and China was reached after the Lugou Bridge Incident in 1937, but Liu Shaoqi of the Chinese Communist Party reopened fire, triggering the war that followed. This is sheer nonsense.

On December 15, 1987, Okuno said that China cannot claim possession of the Kokorio student dormitory on the basis that there is only one China. He also said that Japan should adopt a resolute attitude towards the textbook problem, that is, ignore China's protests against omissions and falsifications in Japanese history textbooks.

China and other Asian countries and regions reacted sharply to Okuno's remarks, criticizing

the minister for defending Japanese war crimes.

But on April 25, in response to an opposition demand in the Diet for an explanation of his April 22 comments, Okuno rejected criticism from China saying: "It is extremely regrettable that only Japan is branded as the aggressor." He also stressed that he does not intend to withdraw his recent remarks, which challenge the view shared by China, other Asian nations and the world in general that Japan was the only aggressor in Asia during the war.

Okuno's remarks not only hurt the feelings of the Chinese people and people of other Asian countries that suffered from Japanese aggression during World War II, but also impaired Japan's image in the world, a Chinese Foreign Ministry spokesman said on April 27.

It should be carefully noted that Okuno's remarks are not isolated in Japan. Last year, monuments in Japan symbolizing Sino-Japanese friendship and hopes for continued peace suffered damage. In March and April this year, attacks on Chinese consulates-general took place in some Japanese cities. Two of the incidents involved shooting. This proves the existence of a small faction of right-wing agitators in Japan.

Chinese leader Deng Xiaoping said during a meeting on April 19 with Masayoshi Ito, a special envoy of Japan's prime minister, that attention must be paid to the activities of this handful of people. "Dealing with them too leniently might encourage their arrogance," he said.

While the incidents, taken on an individual basis, are not major, Deng said, taken together they represent a tendency which could sabotage Sino-Japanese friendship.

Deng's timely statement should be pondered in the light of Okuno's recent remarks.

by Wen Yu

PLO-SYRIA

## Arafat's Visit Signals Reconciliation

*Yasser Arafat's recent visit to Syria marked the end of a five-year feud between Syria and the Palestine Liberation Organization.*

**P**alestine Liberation Organization (PLO) Chairman Yasser Arafat has made his first visit to Syria since he was expelled from the country five years ago. Arafat described his talks with Syrian President Hafez Assad as "useful and positive."

Palestinian refugees poured into the streets of Damascus to greet Arafat on his arrival on April 24. He was driven straight to the martyrs' cemetery in the Yarmouk Palestinian refugee camp to pay tribute to Abu Jihad, the late deputy commander of the Palestine Revolutionary Forces, who was assassinated in Tunis on April 16.

The assassination of Abu Jihad and the PLO's decision to bury him in Damascus created the opportunity for the meeting between Arafat and Assad. The meeting was organized by Arafat's top aides and other PLO leaders, as well as Libyan and Algerian officials.

Before Arafat's arrival the head of the PLO's Political Department, Farouq Kaddoumi, held talks with Syrian leaders on coordinating efforts to advance the Palestinian uprising in the West Bank and Gaza Strip and convene an international peace conference on the Middle East. The two sides reached agreement on many issues. Kaddoumi also worked on preparations for the summit meeting.

According to Nayef Hawatmah, secretary-general of the Democratic Front for the Liberation of Palestine (DFLP), the talks between Assad and Arafat focused on the Palestinian anti-

Israeli uprising in the occupied West Bank and Gaza Strip and the US Middle East peace initiative. The third major topic discussed was the preparation of a joint working paper to be presented at an extraordinary Arab summit scheduled for early next month in Algiers. The leaders reached agreement on these issues, Hawatmah said.

Arafat said the talks—the first between the leaders since 1983—"were useful and will have positive results at the Palestinian

and Arab levels." Before leaving Damascus on April 26, Arafat met Syrian Vice-President Abdel-Halim Khaddam to discuss the Middle East situation and developments in the uprising.

During his stay in Damascus, Arafat organized two meetings between leaders of Fatah, the main PLO group and four Damascus-based groups—the DFLP, the Popular Front for the Liberation of Palestine, the Palestine Liberation Front and the Palestinian Communist Party—with the aim of uniting the various factions.

Political observers believe that Arafat's visit made progress towards settling Syria-PLO differences and normalizing their relations. The visit's significance was enhanced by its timing—amid an upsurge in the Palestinian

**Yasser Arafat consoles Abu Jihad's wife and children on his arrival in Syria.**



struggle and international efforts to resolve the Middle East problem. Normal relations between the PLO and Syria accord with their basic interests and all Arabs' common aspirations. Syria has an important role to play in the settlement of Middle East problems. The PLO needs Syria's help to strengthen its forces and

internal solidarity; and Syria can raise its position and broaden its influence by reconciling with the PLO, which enjoys wide prestige. Their reconciliation will undoubtedly benefit both the Palestinian and general Arab cause. The further development of this trend will be welcome.

by Zhao Xin

## DENMARK

### Nuclear Arms Ban Leads to Election

*Denmark's recent parliamentary resolution banning nuclear-armed vessels from Danish ports upset the country's allies and led to the calling of an early general election.*

**D**anish Prime Minister Poul Schluter decided to call an early, May 10 election because of a domestic political crisis over nuclear arms. The crisis was the result of a recent resolution passed in Parliament requiring the government to notify all visiting North Atlantic Treaty Organization (NATO) warships that nuclear-armed vessels are banned from Danish ports.

The resolution, sponsored by the opposition Social Democratic Party, was supported by two other left-wing parties and the Radical Liberal Party. The bill was passed against the wishes of the government. The Schluter administration argued that the resolution would weaken the country's links with NATO and that the United States and Britain will refuse to participate in naval exercises in Danish waters if NATO warships carrying nuclear weapons are not allowed to enter Danish ports.

For 30 years, Denmark has followed a defence policy that prohibits the peace-time deployment of nuclear weapons on Danish territory. But foreign vessels carrying nuclear weapons

have not previously been challenged.

Since the beginning of this year, Denmark has seen sharp debates on the topic of nuclear weapons. The clashes have strained relations among the political parties. Schluter charged that the Social Democrats' resolution breached the US-Danish joint defence agreement, while Social Democratic Party leader Svend Auken accused Schluter of "telling lies." Auken said he would no longer meet Schluter without the presence of a third party and cancelled planned talks on the defence budget.

The Danish parliamentary resolution triggered a swift response from NATO. NATO Secretary-General Lord Carrington warned that if the resolution goes into effect, it will interfere with long-standing co-operation and have extremely serious consequences. US Secretary of State George Shultz said he was "deeply distressed" by the resolution, which he charged would "undercut the nuclear deterrent" of the Western alliance and adversely affect defence co-operation be-

tween the United States and Denmark.

Denmark, located at the mouth of the Baltic, is strategically important because it can prevent Soviet vessels from entering the North Sea during wartime. In recent years, the Soviet Union has launched frequent North European peace offensives, calling for the establishment of a northern peace zone and a reduction in military activities in North European waters. The Soviet efforts aroused suspicions in the West that the Soviet Union was covertly seeking to sabotage the West's successful North European deterrence programme. The US chief of naval operations warned that if developments in Northern Europe favour Moscow, NATO's naval and air forces will be limited and its capacity for deterrence weakened.

The United States and Britain recently reaffirmed their navies' policies of refusing to confirm or deny the presence of nuclear weapons on board specific ships. It is expected that if Denmark insists on implementing its ban, NATO vessels will no longer enter Danish ports. This will greatly affect Denmark's position in the Western military alliance and NATO's defence strategy for North European waters.

by Xu Ruifu & Huang Qing



# Burgeoning Soft Sciences

**Soft sciences have begun to play an undeniable role in China's economic construction and policy decision making.**

by Our Correspondent Wei Liming

**W**hat will China be like by the year 2000? How will the supply and demand of farm produce be controlled then? What kinds of energy policies should China adopt? Are the water conservancy projects on the Three Gorges on the upper reaches of the Changjiang (Yangtze) River feasible? These are some of the questions answered by many research papers sent to top state leaders written on the basis of mathematical models and data processed by computers capable of carrying out millions of calculations per second. This is called soft sciences, a burgeoning branch of science which is beginning to make its mark in China.

According to Xu Huaidong from the Policy Research Bureau of the State Science and Technology Commission, a recent exhibition of books and magazines on the soft sciences held jointly by the State Science and Technology Commission and the Beijing Library, displayed 12,000 kinds of books and attracted 15,000 people.

## Development Course

Since the 1950s, a group of top scientists have worked at combining natural sciences with the social sciences in a way which could serve socialist construction and contribute to development.

Hua Luogeng, a well-known mathematician, and the celebrated scientist Qian Xuesen are forerunners in this field and have already

trained a group of scientists.

The 1970s saw new progress in all branches of operational mathematics. Management science was applied widely across all enterprise operations, and by the late 1970s behavioural science, technological philosophy and other branches of soft sciences were introduced into China.

The convocation of a national soft science research conference in July 1986 marked the entry into a new era of development for soft science research in China. At the conference Wan Li, Vice-Premier of the State Council and now chairman of the NPC Standing Committee, presented a report entitled "Democratic and Scientific Policy Decision Making—An Important Subject in Reforms to the Political Structure."

Wan Li pointed out that the

basic purpose of the research into soft sciences is to find scientific bases for making policy decisions at all levels. In this sense, it is a study of policy decisions and a process of applying science to policy making.

A preliminary survey in late 1985 by the State Science and Technology Commission showed that there were 420 soft science institutes in China with a total of 15,000 researchers. Of them, 10 percent were senior researchers, 35 percent middle-level and the rest juniors.

Soft science research institutes fell into three categories—professional research institutes under the State Council and various ministries and commissions; research institutes in various provinces; and research organizations in institutions of

Experts discussing the achievements made in soft sciences.

CUI GUANJIE



higher learning. Of these, the Research Centre to Advise on Economic, Technological and Social Development, the China Rural Development Research Centre and the Centre of International Studies under the State Council are the brains of the State Council providing consulting services for making policy decisions.

## Serving the Economy

After the opening to traffic of the middle ring road one year before, Tianjin citizens celebrated the opening of the 71-km outer ring road on October 1, 1987 by setting free 10,000 pigeons and 10,000 coloured balloons. The two roads have greatly improved traffic conditions in the city and benefited the economic development of this important port city in north China. Their successful construction could be partly attributed to the work of soft scientists.

Since the 1980s the difficulties facing Tianjin with its population of 8 million have become more acute as contradictions developed between economic activities and the city's capacity to carry them.

Statistics show that in the 32 years from 1951 to 1983, the urban population of Tianjin rose 86 percent; industrial output value increased 15.1 times; passenger transport, 5.8 times; the number of bicycles, 27; the level of freight transport, 5.9; and the number of motor vehicles, 45. But in this period, highways were extended by only 3 times the previous area covered and public bus and trolley services increased by 5.2 times. The number of motor vehicles and bicycles per-unit of highway rose 12.6 and 7.7 times respectively. As a result, the intersections of the main city roads continuously blocked up, traffic speed decreased and the number of traffic accidents increased.

Li Ruihuan, one-time carpenter now city mayor, knows full well the importance of the role of scientists and technicians. He once said if a mayor should continue to make policy decisions without knowing anything about the data and factors influencing the conditions in a city, he is either a blind man on a blind horse, or at least he is acting blindly.

In December 1984, Li asked the Tianjin Municipal Science and Technology Commission and the Construction Commission to join forces to systematically study the basic theory, principles and policy measures required for solving the city's traffic problems, and to provide a base from which the municipal government could make policy decisions.

In May 1986, the scientists completed the first phase of their task. They pinpointed as the main problem the disparity between an irrational traffic system and backward road conditions, and proposed an overall strategic concept in which public communication enterprises supported by private communication enterprises could combine high-speed means of communication with other conventional forms of communication such as motor transport.

In August the same year the proposals were accepted by the municipal government as a guide for future work. In line with the suggestion to build a radiating high-speed trunk network as quickly as possible, the government decided to construct the middle ring road. The road allowed for a 50-100 percent increase in travelling speed and greatly improved traffic conditions in urban areas. Fast bus routes were also opened in July 1986, allowing buses to run at 22 km per hour, 50 percent more than the average speed in the city.

Consulting services have flourished since the 1980s in Shanghai,

China's largest industrial city. The city's developing economy, information networks and science and technology favour the development of consulting services.

Statistics show that every city resident receives 11 times more information than the national average each year. Shanghai has 803 research institutes, 49 institutions of higher learning, 125 academic associations and societies and 480,000 specialists. The city has a strong information network, a large contingent of professionals and an advanced level of technology.

A survey conducted in March 1986 indicated that the city had 601 institutions which offered consulting services, including 246 consulting agencies. They employed a total of 2,000 full-time and 20,000 parttime consultants.

Consulting services involve many risks and a high level of challenge. Consider the water diversion project of the Baoshan Iron and Steel Company in Shanghai for example. In 1978, when it was learnt that the most modern iron and steel company in China planned to divert water from Dianshan Lake, 72.5 km away, at a cost of 200 million yuan, letters poured in to the municipal government, asking, "Why should a company on the banks of the Changjiang River divert water from the distant Dianshan Lake rather than from the nearby river?"

In response, Professor Li Guohao, the company's chief adviser, and 125 scientists put their heads together to discuss the problem. The discussion was often heated and raised many disputes but the majority finally agreed to build a reservoir diverting water from the Changjiang River.

The project was extremely dangerous and suffered setbacks and losses of 40,000 yuan at the hands of a typhoon and strong tides in 1983 before it was



ZHANG PING

A night view of the water diversion project of the Baoshan Iron and Steel Company.

completed. But the project nevertheless proved successful and the 164-square-metre man-made lake stood out as one of the early successes of Shanghai's consulting companies. In 1987 the project was awarded second place in an international scientific and technological progress award.

In the past few years, Shanghai has strengthened its co-operation with foreign countries in the consulting field. The Metrological Economics Research Institute of Fudan University in Shanghai and other research institutes in the country have joined together in what is called a Linking Project sponsored by Professor Klein, the Nobel prize winner for economics. The project aims to combine economic models from 79 countries to form a global model and raise systems engineering, quantitative economics and scientific discipline to a higher level.

In 1983 the Shanghai Investment and Trust Company and the Japanese Nomura Comprehensive Research Institute jointly established the first Sino-foreign co-operative consulting body in China.

The Shanghai Machinery and Electronic Technology Consulting Engineering Company, one of the city's earliest of its kind, undertook joint feasibility studies to upgrade Shanghai's machine tools with the help of a World Bank loan of US\$100 million. With the co-operation of three overseas consulting groups, the Shanghai company made an overall technical and economic assessment and drew conclusions on the feasibility of systematically importing technology.

### Involved in Policy Making

"We always say three cobblers with their wits combined are equal to Zhuge Liang, the master mind (Zhuge Liang was a wise prime minister in the third century—*Tr.*) Any system with three cobblers can function systematically as a Zhuge Liang might. But each individual component of the system will only function as a cobbler," explains Yu Jingyuan, deputy director of the Beijing Information and Cybernetics Research Institute. In the past few

years, using mathematical models and systems engineering, scientists have been contributing much to China's policy-making process, functioning as a Zhuge Liang.

The institute has more than 400 technicians. With two sections, one on systems engineering research and the other on computer research, the institute, Yu said, is unique, engaging in research into both soft and hard sciences.

Song Jian, former director of the institute and now chairman of the State Science and Technology Commission, once studied cybernetics in the Soviet Union, and in 1979 initiated the research on population growth in China using cybernetics and systems engineering theory. He made the first long-term forecasts in this field, predicting that if each woman of child-bearing age gave birth to three children after 1980, the population would be 1,420 million by the year 2000, and 100 years later it would increase to 4,308 million, approximately the world's total population in the late 1970s.

If each woman gave birth to an average 1.5 children after 1980, the population would still be over 1,100 million by 2000. If the birth rate were reduced to one birth in 1985 and in following years, the population would be 1,050 million in 2000. His prediction thus suggested that the best way to control China's population growth is to call on each couple to have only one child in a certain period.

After reading the studies Chen Muhua, then in charge of family planning work, commented, "Your data on China's population growth in the next 100 years are quite good; they are a valuable guide for formulating China's policy on family planning." The research was awarded the first-grade state scientific and technological progress prize in 1987.

In 1979, the state government increased the purchase price of farm and sideline products to promote agricultural production and raise the initiative of farmers. But the selling prices of these products remained unchanged which led to abnormal economic conditions. The better the harvests, the more subsidies the state pays, so the state revenue experienced slower growth compared to national income.

In 1983 the State Commission for Restructuring Economic Systems entrusted the institute with the research on balancing financial subsidies, prices and wages. Their studies on 105 different policy strategies revealed that China was already capable of adjusting prices and wages to boost its revenue, and that it would be better to introduce adjustments in 1985 rather than 1986.

Increased national economic growth made it possible to adjust prices and wages to increase state revenues. From 1978 to 1983, agricultural output (including rural enterprises) rose at an average annual rate of 7.98 percent; output for light industry, by 11.21 percent; and heavy industry, 11.1 percent. Suppose agriculture and light and heavy industries continued to increase at an average annual rate of 7.3 percent in the years between 1984 and 1987, simulated tests indicated that if outputs for agriculture, light and heavy industries are raised an average 6 percent, 7 percent and 8 percent respectively a year, the government would be able to regulate purchase and selling prices of grain and edible oils and increase its revenue to guarantee a balanced consumer market without lowering people's actual incomes.

Scientists also compared shortcomings and advantages of one adjustment by a large margin with

several smaller adjustments over many years, and proposed to the state what economic policies should be made while prices are being adjusted.

In August 1984, Tong Dalin, vice-minister in charge of the State Commission for Restructuring Economic Systems, presided over a meeting appraising the research results. The resulting report pointed out: "The project has applied economic mathematical models to analyse practical economic activities, to forecast economic development trends and to provide scientific bases for making economic plans and policy decisions. It is an important method for modernizing the management of the national economy. The research results offer a good starting point for the work in this field."

Four years later, Yang Qixian, head of the Planning Bureau of the State Commission for Restructuring Economic Systems, praised the project for providing the data for drawing up an economic structural reform plan. "Predictions on the circulation of currency, increases in industrial and agricultural output values and factors governing price rises are most practical."

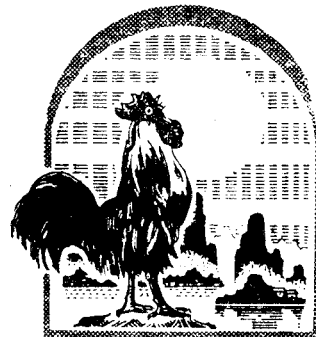
In the past few years the institute has completed research into other areas such as macro-economic control, agricultural policies, financial control systems, annual forecasts for national economic development and comprehensive studies on the effects of the space industry to national economic development.

What if forecasts are proved wrong? Yu said that up to now none of the forecasts made by the institute have been too far removed from practical development. But they are confronted with the problem of whether the forecasts will be accepted or not by policy-makers.

Some people think it is

impossible to predict the outcomes of complicated social problems and see the data gathered through mathematical models and computers as unreliable. Some decision-makers appreciate only the ones which fit their needs. On the other hand, there is also the problem of whether research institutes are really objective. Yu Jianyuan denies any suggestion that the institute may gear its work towards pleasing the decision-makers. "Research departments should be completely transparent to policy-makers and never obstruct or mislead them."

Professor Yu Jianyuan began studying mathematics at the Jilin University in Changchun in the 1950s. After graduation, he engaged in research into cybernetics and systems engineering. He was also once involved in research into the space system. Last August he was awarded a prize by the Hawaii East-West Exchange Centre for his excellent contributions to research into population control. He believes the application of natural sciences to social sciences and co-operation between natural and social scientists is a new trend in China's scientific development. "But," he said, "China has a long way to go and much work to do before it can make policy decisions democratically and scientifically." ■



# The Need for a Spirit of Dedication

—An interview with President Wei Yu of the Nanjing Engineering Institute



**P**rofessor Wei Yu, an expert in electronics, is currently president of the Nanjing Engineering Institute. She completed a doctoral degree in engineering at Federal Germany's Aachen Industrial University in 1981 and became China's first woman Ph.D-holder in electronics. She began bio-medical engineering research in 1982 and established China's first bio-medical engineering department at the institute. Two of her research findings during the Sixth Five-Year Plan period (1981-85) were awarded the state's first-class prize for their scientific value.

Wei Yu, now 48, is a deputy to the Seventh National People's Congress (NPC) and sat on the presidium of the first session recently held in Beijing. Following are the highlights of an interview with our correspondent.

**Beijing Review: What are your feelings about attending the First Session of the Seventh National People's Congress?**

**Wei:** This is the second time I have attended NPC meetings. Last time, during the first session of the Sixth National People's Congress, I was also a presidium member. Everybody seems to feel that the recent session was more democratic than the ones before. I share this feeling and I also think that the deputies, especially local officials, have become more aware about public involvement in state politics, and more confident to exercise their democratic rights. I am particularly impressed by the atmosphere of open discussion. This marks a step towards democratization in China's political life. However, I don't want to labour this point too much, because we still have much work to do in the construction of socialist democracy.

I feel very strongly about taking part in the two sessions on behalf of my electorates, even more so this time as president of one of the state's key universities. As you know, education is one of the major issues at the meeting. The government work report stresses the development of science, technology and education and deputies are very concerned about education. This makes me more aware of my own responsibility as the president of a university.

**BR: How do you feel about your posting as president of the Nanjing Engineering Institute? In a student opinion poll one of your students reportedly wrote "I am ashamed that our institute could not elect a male president" in answer to the question "what has made you most ashamed." What is your comment on this?**

**Wei:** The Nanjing Engineering

Institute was set up 80 years ago. It has almost 10,000 students and more than 4,000 teachers and faculty members. I was appointed president by the State Education Commission in January 1987.

I enrolled in the institute in 1956, studied in its graduate programme in 1965, and then taught and did research work at the institute until I was sent to study in Federal Germany. I continued to teach and conduct research at the institute after my return. My colleagues and I first organized a research group, then a teaching-research office and finally the bio-medical engineering department, all in two years.

I know the institute and have a strong affection for it. I never dreamt of becoming its president. Even today, I wish I could concentrate on research. I am confident I can make progress in electronics research and contribute to China's modernization programme. The role of president is not my choice.

During my three-year stay in Federal Germany, I not only gained technical knowledge but also learnt modern research methods. I gained invaluable experience in the organization of teaching and research. I was pushed into the post of president so that I could contribute more towards promoting scientific progress and educational reform. For me, the post requires more dedication, more responsibility and more risks, but I feel duty-bound to perform well because I was trained by my country.

The student's answer to the question is not a strange one. It simply reflects traditional thinking. At present, there are few



women presidents of the country's 1,060 universities and colleges. In the 36 key universities and colleges directly under the authority of the State Education Commission, there are only two women presidents: me and Professor Xie Xide of the Fudan University in Shanghai. I felt somewhat uneasy when I saw that all but one of the nine leading positions in the Nanjing institute were held by men. I also felt a little nervous when I realized I was the only woman taking part in talks with presidents from Japanese, American and European universities. But this strengthened my sense of self-improvement. All in all, a president can only be judged according to his or her abilities and achievements. I am confident that I will be able to achieve something during my four-year term. I plan to carry out educational reform across the campus to blaze a new trail for the reform throughout the country.

**BR: What is your programme "to rule" the Nanjing Institute?**

**Wei:** It can be boiled down to one sentence: to reform and develop through co-operation; that is, to promote the reform and development of education and scientific research through multifarious co-operation. Through co-operation across different disciplines we will attempt to revise curricula and develop new and fringe disciplines. Through co-operation among different universities and colleges we will try to overcome problems still remaining after the re-organization of universities and colleges during the 1950s, to promote the all-round training of students and the co-ordinated development of education and research. Through co-operation between universities and the community we will attempt to apply research to production and economic construction. This includes offering services to the society, an issue which has

aroused much discussion at the session. In addition, we will actively take part in international academic and personnel exchange programmes. My institute has established long-term ties with the Aachen Industrial University and the Swiss Federal Institute of Technology. As China opens wider to the outside world, more academic and personnel exchanges with foreign universities and scientific research institutes will be possible. While attending the seventh NPC session, I took some time out to participate in discussions at the First Sino-Canadian University Presidents' Conference on how to start a co-operative Ph.D programme.

**BR: Would you give me one or two examples of your achievements and of difficulties you have faced as president? What are your future plans?**

**Wei:** The most noteworthy achievement we have made is the signing of an agreement between the institute and the People's Government of Pukou District, Nanjing to jointly construct a "scientific and industrial park" in the city. It is an amalgamation of scientific research, production and education, something like the US Stanford University's "silicon valley," Japan's "Tsukuba science city," or "electronic street" in Beijing's Zhongguanchun. It could also be called a "high-tech development zone." A product of scientific advancement and development of the national economy, the scientific and industrial park will forward the development of new technology, the application of scientific research to industrial production, the growth of the local export-oriented economy, the deepening of reforms to scientific-research systems, and the development of lateral co-operation. This project, when commissioned, will have a huge influence not only on the development of my institute and the Pukou District but also on

Nanjing city as a whole and Jiangsu Province. The idea won the support of the Jiangsu provincial Party committee and government, which approved the establishment of the Jiangsu Scientific and Industrial Park Corp. and appointed me chairman of the company's board of directors.

The Nanjing Engineering Institute has recently established a management college and plans to offer some literary courses. My institute is developing into a key university offering engineering and scientific, as well as literary courses. With the approval of the State Education Commission, the institute will soon restore its former name, the Southeast University. The institute plans to enrol a hundred or so Ph.D candidates in its graduate study programme in the next few years.

As for difficulties we have met in the course of reform, there are too many to list. Almost every step forward was accompanied by difficulties and interference. I found it a real headache to have to deal with complicated interpersonal relations, probably because I am not used to that side of things. I am disgusted with the interference caused by nepotism. I met with a great deal of resistance



when I implemented the ruling that academic titles would not be granted simply for long-term service to the Party and administrative work, and that professors of an advanced age would not be re-engaged. I was criticized for adhering to this ruling, but in the interests of our cause, I stood up to the pressure and I have been proved right.

**BR: After taking on the heavy responsibility of the presidency do you still have time and energy to continue your scientific research and teaching work? Do your official duties affect your family life? Are your family members understanding and supportive?**

**Wei:** Last year I had almost no time for my teaching and research work and I'm afraid this year will be the same. This is unavoidable. But, I think once the university's internal structures and management are re-organized, I may be able to participate in scientific research and tutor postgraduates working on doctorates. I will not give up my research work and, as president of a university, I should not abandon it. I still find time for my special study whenever I can, in the evenings and on Sundays. I hope I will be able to continue my scientific pursuits after my four-year tenure expires.

As for my family, they have paid a high price for my success. My husband, who is also my colleague, specializes in electronics and is an associate professor of the Nanjing Engineering Institute. He fully understands my career needs and never blames me for ignoring housework and the children. But I know he has his own career and I have no right to ask him to take on more of the family chores in my absence.

We try to make life simple to save time. My children have become used to a life without much attention from their parents. When I went to study in Federal

Germany, my two sons, aged 11 and 9, were brought up in boarding schools. Fortunately they understand our work. Our eldest son has now enrolled in our university. He has chosen electronics as his specialty and is doing well in his studies. The younger son has gone another direction and is learning to play violin at the middle school attached to the Shanghai Conservatory of Music. While our family is accustomed to this kind of lifestyle, we find it hard to cope in difficult times.

In February last year, less than a month after I assumed office, it was discovered that my eldest son had a tumour on his spine. It was benign but he had to undergo a dangerous and complicated operation to avoid paralysis. The operation was very successful, but for a long time he could not look after himself and the hospital called on the family members to look after him. As his mother I wanted to be with him. If I were a teacher or a research fellow I could have asked for leave to attend to my sick son. As a newly appointed university president, however, this was not possible, so I had to rush to the hospital after work. Less than two weeks after his operation, before he was out of danger, I had to go to Beijing to attend an important meeting. My son, not wanting to interfere with my work, urged me to go but I really felt I had become a cruel-hearted mother.

Perhaps because of my own experiences and those of some women scholars and leading cadres I have talked with, I can't agree with those who encourage women to become actively involved in political affairs. Under the current living and social conditions, I think it would be better to let things take their own course. The community should show more respect for women's labour and their roles of raising children and doing housework. I

often thought that if I had a daughter I would not let her follow my example, but I don't regret the choices I made.

**BR: Since our country introduced reforms and the open policy nine years ago, profound changes have taken place. You have yourself experienced these changes: your talent has been fully displayed and your work and achievements have been acknowledged by the government and the people. How do you feel about these changes?**

**Wei:** It's fortunate that I live in a good time. Chance actually played a large part in my success. In early 1979 I was among the first group of people the government sent to study abroad after the open policy was adopted. Many people envied me, but they did not know how much effort I had to make to start studying again at the age of 40 after being cut off from the rapidly developing field of electronic science during the "cultural revolution." Inspired by the idea of bringing our country up to date with the advanced countries of the world, I determined to devote myself to our country's scientific cause. I still rely on this spirit to face new challenges and keep moving forward. I believe without this dedication it is hard to accomplish anything great. For this reason I insist on strengthening moral education. Empty talk and preaching are useless. Vocational ethics and strong personal qualities and the cultivation of patriotism and national dignity should be the basis for professional training.

Social conduct is quite unsatisfactory at the moment. This is one problem which cannot be solved simply by advocating moral education. Comrade Zhao Ziyang said China's economy must grow and the government should remain honest. To modify social conduct, an honest government is essential.

*At a meeting in Beijing on April 26-28, the members of the Hong Kong Basic Law Drafting Committee unanimously agreed to make public the first draft of the law so that opinions can be gathered from China's mainland and Hong Kong. The following is the full text.— Ed.*

# **Draft Basic Law of HKSAR, PRC**

## **(for Solicitation of Opinions)**

### **The Draft Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China for Solicitation of Opinions**

#### ***Preamble***

Hong Kong has been part of China's territory since ancient times\*<sup>1</sup>, but it was occupied by Britain after the Opium War in 1840. On December 19, 1984, the Chinese and British governments signed the Joint Declaration on the Question of Hong Kong, affirming that the Government of the People's Republic of China will resume the exercise of sovereignty over Hong Kong on July 1, 1997, thus fulfilling the long-cherished common aspiration of the entire Chinese people for the recovery of Hong Kong.

In order to uphold national unity and territorial integrity and to maintain Hong Kong's prosperity and stability, and taking account of the history of Hong Kong and its realities, the People's Republic of China has decided that upon China's resumption of the exercise of sovereignty over Hong Kong, a Hong Kong Special Administrative Region will be established in accordance with the provisions of Article 31 of the Constitution of the People's Republic of China and that under the principle of "one country, two systems," the socialist system and policies will not be practised in Hong Kong. The basic policies of the People's Republic of China regarding Hong Kong have been elaborated by our government in the Sino-British Joint Declaration.

In accordance with the Constitution of the People's Republic of China, the National People's

Congress hereby enacts the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, prescribing the systems to be practised in the Hong Kong Special Administrative Region, in order to ensure the implementation of the basic policies of the People's Republic of China regarding Hong Kong.

#### **Chapter I: General Principles**

##### **Article 1**

The Hong Kong Special Administrative Region is an inalienable part of the People's Republic of China.

##### **Article 2**

The National People's Congress authorizes the Hong Kong Special Administrative Region to exercise a high degree of autonomy in accordance with the provisions of this Law and to enjoy executive, legislative and independent judicial power, including that of final adjudication.

##### **Article 3**

The executive authorities and legislature of the Hong Kong Special Administrative Region shall be composed of permanent residents of Hong Kong in accordance with the relevant provisions of this Law.

##### **Article 4**

The socialist system and policies shall not be practised in the Hong Kong Special Administrative Region and the existing capitalist system and way of life shall not be changed for 50 years.

##### **Article 5**

The Hong Kong Special Administrative Region safeguards the rights and freedoms of the residents and other persons in the region in accordance with law.

##### **Article 6**

Rights of property ownership, including those

relating to acquisition, use, disposal, inheritance and compensation for lawful takeover shall be protected by law. The compensation for lawful takeover shall be corresponding to the real value of the property concerned, freely convertible and paid without undue delay.

#### **Article 7**

The land and natural resources within the Hong Kong Special Administrative Region are the state property of the People's Republic of China. The government of the Hong Kong Special Administrative Region shall be responsible for their management, use and development and for their lease or grant to individuals or legal persons for use or development. The revenue derived shall be entirely at the disposal of the government of the Hong Kong Special Administrative Region.

#### **Article 8**

The laws previously in force in Hong Kong, that is, the common law, rules of equity, ordinances, subordinate legislation and customary law shall be maintained, except for those that contravene this Law or have been amended by the legislature of the Hong Kong Special Administrative Region.

#### **Article 9**

In addition to the Chinese language, the English language may also be used by the executive authorities, legislature and judicial organs of the Hong Kong Special Administrative Region.

#### **Article 10**

In accordance with Article 31 of the Constitution of the People's Republic of China, the policies and systems practised in the Hong Kong Special Administrative Region, including the social and economic systems, the system for safeguarding the fundamental rights and freedoms of its residents and the executive, legislative and judicial systems, shall be based on the provisions in this Law.

No law enacted by the legislature of the Hong Kong Special Administrative Region shall contravene this Law.

## **Chapter II: Relationship between the Central Authorities and the Hong Kong Special Administrative Region**

#### **Article 11**

The Hong Kong Special Administrative Region is a local administrative region of the People's Republic of China, enjoying a high degree of autonomy, and comes directly under the Central People's Government.

#### **Article 12**

The Central People's Government is responsible for the foreign affairs relating to the

Hong Kong Special Administrative Region.

The Central People's Government authorizes the Hong Kong Special Administrative Region to deal with relevant external affairs on its own in accordance with this Law.

The Ministry of Foreign Affairs of the People's Republic of China will establish an office in Hong Kong to deal with foreign affairs.

#### **Article 13**

The Central People's Government is responsible for the defence of the Hong Kong Special Administrative Region.

Military forces sent by the Central People's Government to be stationed 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, in times of need, request the Central People's Government for assistance from the garrison in the maintenance of public order and disaster relief.

Apart from abiding by nationwide laws, members of the garrison shall also abide by the laws of the Hong Kong Special Administrative Region.

All expenses for the garrison shall be borne by the Central People's Government.

#### **Article 14**

The Central People's Government appoints the Chief Executive and principal executive officials of the Hong Kong Special Administrative Region in accordance with the provisions of Chapter IV of this Law.

#### **Article 15**

The Hong Kong Special Administrative Region is vested with executive power. In accordance with the relevant provisions of this Law it shall, on its own, manage public finance, monetary matters, economy, industry and commerce, trade, taxation, postal service, civil aviation, maritime matters, traffic and transport, fishery, agriculture, personnel administration, civil affairs, labour, education, medical and health services, social welfare, culture and recreation, municipal facilities, urban planning, housing, real estate, public order, entry and exit controls, meteorology, communications, science and technology, sports and other administrative affairs.

#### **Article 16**

The Hong Kong Special Administrative Region is vested with legislative power.

Laws enacted by the legislature of the Hong Kong Special Administrative Region shall be reported to the Standing Committee of the National People's Congress for the record. The reporting for record shall not affect the entry into force of such laws.

If the Standing Committee of the National

People's Congress, after consulting its Committee for the Basic Law of the Hong Kong Special Administrative Region\*<sup>2</sup>, considers that any law of the region is not in conformity with this Law or legal procedures, it may return the law in question for reconsideration or revoke it, but it shall not amend it. Any law returned for reconsideration or revoked by the Standing Committee of the National People's Congress shall immediately cease to have force. This cessation shall not have retroactive effect.

#### **Article 17**

The laws of the Hong Kong Special Administrative Region shall be this Law, the laws previously in force in Hong Kong as stipulated in Article 8 of this Law, and the laws enacted by the legislature of the Hong Kong Special Administrative Region.

Laws enacted by the National People's Congress or its Standing Committee will not be applied in the Hong Kong Special Administrative Region except for those stipulated in Paragraph 3 of this article.

Laws, enacted by the National People's Congress or its Standing Committee, which relate to defence and foreign affairs, as well as other laws which give expression to national unity and territorial integrity and which, in accordance with the provisions of this Law, are outside the limits of the high degree of autonomy of the Hong Kong Special Administrative Region, shall be applied locally by the government of the Hong Kong Special Administrative Region by way of promulgation or legislation on the directives of the State Council, whenever there is need to apply any such laws in the region.

Except in cases of emergency, the State Council shall consult the Committee for the Basic Law of the Hong Kong Special Administrative Region and the government of the Hong Kong Special Administrative Region before issuing the above-mentioned directives.

If the government of the Hong Kong Special Administrative Region fails to act in compliance with the directives given by the State Council, the State Council may decree the application of the above-mentioned law in the Hong Kong Special Administrative Region.

#### **Article 18**

The Hong Kong Special Administrative Region is vested with independent judicial power, including that of final adjudication.

Courts of the Hong Kong Special Administrative Region shall have jurisdiction over all cases in the region, except that the restrictions of their jurisdiction imposed by Hong Kong's previous legal system shall be maintained.

Courts of the Hong Kong Special

Administrative Region shall have no jurisdiction over cases relating to defence and foreign affairs, which are the responsibility of the Central People's Government, and cases relating to the executive acts of the Central People's Government. Courts of the Hong Kong Special Administrative Region shall seek the advice of the Chief Executive whenever questions concerning defence, foreign affairs or the executive acts of the Central People's Government arise in any legal proceedings. A statement issued by the Chief Executive regarding such questions shall be binding on the courts.

Before issuing such a statement, the Chief Executive shall obtain a certificate from the Standing Committee of the National People's Congress or the State Council.

#### **Article 19**

The Hong Kong Special Administrative Region may enjoy other powers granted to it by the National People's Congress, the Standing Committee of the National People's Congress or the State Council.

#### **Article 20**

Residents of the Hong Kong Special Administrative Region who are Chinese nationals are entitled to participate in state affairs as prescribed by law.

In accordance with the assigned number of seats and the election procedures specified by the Standing Committee of the National People's Congress, the Chinese nationals among the Hong Kong residents shall locally elect deputies of the Hong Kong Special Administrative Region to the National People's Congress to participate in the work of the highest organ of state power.

#### **Article 21**

Departments under the Central People's Government as well as provinces, autonomous regions and municipalities directly under the Central Government shall not interfere in the affairs which the Hong Kong Special Administrative Region administers on its own in accordance with this Law.

If departments under the Central Government, provinces, autonomous regions and municipalities directly under the Central Government need to set up offices in the Hong Kong Special Administrative Region, they must have the consent of the government thereof and the approval of the Central People's Government.

All offices set up in Hong Kong by the departments under the Central Government, or by provinces, autonomous regions and municipalities directly under the Central Government, and personnel of these offices, shall abide by the laws of the Hong Kong Special Administrative Region.

People from other parts of China must apply

for approval for entry into the Hong Kong Special Administrative Region.

The Hong Kong Special Administrative Region may establish an office in Beijing.

**Article 22**

The Hong Kong Special Administrative Region shall prohibit by law any act designed to undermine national unity or subvert the Central People's Government.

### **Chapter III: Fundamental Rights and Duties of the Residents**

**Article 23**

Residents of the Hong Kong Special Administrative Region, or Hong Kong residents for short, include permanent residents and non-permanent residents.

Permanent residents of the Hong Kong Special Administrative Region are:

(1) Chinese nationals born in Hong Kong before or after the establishment of the Hong Kong Special Administrative Region;

(2) Chinese nationals who have ordinarily resided in Hong Kong for a continuous period of no less than seven years before or after the establishment of the Hong Kong Special Administrative Region;

(3) Persons of Chinese nationality born outside Hong Kong of those residents listed in categories (1) and (2);

(4) Persons of non-Chinese nationality who have ordinarily resided in Hong Kong for a continuous period of no less than seven years and have taken Hong Kong as their place of permanent residence before or after the establishment of the Hong Kong Special Administrative Region;

(5) Persons under 21 years of age born in Hong Kong of residents listed in category (4) before or after the establishment of the Hong Kong Special Administrative Region; and

(6) Persons other than those residents listed in categories (1) to (5), who had the right of abode only in Hong Kong before the establishment of the Hong Kong Special Administrative Region.

The above-mentioned residents have the right of abode in the Hong Kong Special Administrative Region and are qualified to obtain, in accordance with its law, permanent identity cards which state their right of abode.

Non-permanent residents of the Hong Kong Special Administrative Region are persons who, in accordance with the laws of the Hong Kong Special Administrative Region, are qualified to obtain Hong Kong identity cards but have no right of abode.

**Article 24**

All Hong Kong residents shall be equal before the law, regardless of their nationality, race, ethnic origin, language, sex, occupation, religious belief, political views, educational level and property status.

**Article 25**

Permanent residents of the Hong Kong Special Administrative Region who have reached the age of 21 shall have the right to vote and the right to stand for election as prescribed by law.

**Article 26**

Hong Kong residents shall have freedom of speech, of the press and of publication; freedom of association, to form and join trade unions, and to strike; and freedom of assembly and of demonstration.

**Article 27**

The freedom of the person of Hong Kong residents is inviolable.

Hong Kong residents shall not be unlawfully arrested, detained or imprisoned. Unlawful deprivation or restriction of the residents' freedom of the person by any means shall be prohibited. Unlawful search of the body of any resident shall be prohibited.

**Article 28**

The homes and other premises of Hong Kong residents shall not be violated. Unlawful search of, or intrusion into, a resident's home or other premises is prohibited.

**Article 29**

The freedom and privacy of communication of Hong Kong residents shall be protected by law. No department or individual may, on any ground, infringe upon the residents' freedom and privacy of communication except in cases where, to meet the needs of public security or of investigation into criminal offences, the relevant authorities may censor communication in accordance with legal procedures.

**Article 30**

Hong Kong residents shall have the freedom of movement within the Hong Kong Special Administrative Region and the freedom of emigration to other countries and regions. Hong Kong residents who hold valid travel documents shall have the freedom to travel and the freedom of entry and exit and, unless restrained by law, shall be free to leave the Hong Kong Special Administrative Region without special authorization.

**Article 31**

Hong Kong residents shall have the freedom of conscience.

Hong Kong residents shall have the freedom of religious belief and the freedom to preach and to carry out and participate in religious activities in

public.

#### **Article 32**

Hong Kong residents shall have the freedom of choice of occupation.

#### **Article 33**

Hong Kong residents shall have the freedom of academic research, of literary and artistic creation and of other cultural pursuits.

#### **Article 34**

Hong Kong residents shall have the right to confidential legal advice, access to the courts, and choice of lawyers for timely protection of their legitimate rights and interests, and for representation in the courts, and the right to judicial remedies.

Hong Kong residents shall have the right to challenge in the courts the actions of the executive organs or their personnel.

#### **Article 35**

Hong Kong residents shall have the right to social welfare; the welfare benefits of the working people shall be protected by law.

#### **Article 36**

The freedom of marriage of Hong Kong residents and their right to raise a family freely shall be protected by law.

#### **Article 37**

Hong Kong residents shall enjoy the other rights and freedoms safeguarded by the laws of the Hong Kong Special Administrative Region.

#### **Article 38**

The provisions of the "International Covenant on Civil and Political Rights" and the "International Covenant on Economic, Social and Cultural Rights" as applied to Hong Kong shall be implemented through legislation by the Hong Kong Special Administrative Region.

#### **Article 39**

The rights and freedoms enjoyed by Hong Kong residents shall not be restricted unless prescribed by law. But such restrictions shall not go beyond the necessity for the maintenance of national security, public order, public safety, public health, public morals and for the safeguarding of the rights and freedoms of other persons.

#### **Article 40**

The legitimate traditional rights and interests of the indigenous inhabitants of "New Territories" shall be protected by the Hong Kong Special Administrative Region.

#### **Article 41**

Persons in the Hong Kong Special Administrative Region other than Hong Kong residents shall, in accordance with law, enjoy the rights and freedoms of Hong Kong residents prescribed in this Chapter.

#### **Article 42**

Hong Kong residents and other persons in Hong Kong shall have the obligation to abide by the laws of the Hong Kong Special Administrative Region.

## **Chapter IV: Political Structure**

### **Section 1: The Chief Executive**

#### **Article 43**

The Chief Executive of the Hong Kong Special Administrative Region is the head of the Hong Kong Special Administrative Region and represents the region.

The Chief Executive of the Hong Kong Special Administrative Region shall be accountable to the Central People's Government and the Hong Kong Special Administrative Region in accordance with the provisions of this Law.

#### **Article 44**

The Chief Executive of the Hong Kong Special Administrative Region shall be a Chinese national of no less than 40 years of age who is a permanent resident of the region and has ordinarily resided in Hong Kong for a continuous period of 20 years.

#### **Article 45**

The Chief Executive of the Hong Kong Special Administrative Region shall be selected by election or through consultations held locally and be appointed by the Central People's Government.

The specific method for selecting the Chief Executive is prescribed in Annex (1): "Method for Selecting the Chief Executive of the Hong Kong Special Administrative Region."

The method for selecting the Chief Executive as prescribed in Annex (1) may be modified in the light of actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. Such modifications shall require the endorsement of a two-thirds majority of the members of the Legislative Council of the Hong Kong Special Administrative Region and the consent of the Chief Executive, and shall be submitted to the Standing Committee of the National People's Congress for approval.

#### **Article 46**

The term of office of the Chief Executive of the Hong Kong Special Administrative Region shall be five years. He/she may serve two consecutive terms.

#### **Article 47**

The Chief Executive of the Hong Kong Special Administrative Region must be a person of integrity, dedicated to his/her duties.

The Chief Executive, on assuming office, shall declare his/her assets to the Chief Justice of the

Court of Final Appeal of the Hong Kong Special Administrative Region. This declaration shall be put on record in strict confidence.

#### **Article 48**

The Chief Executive of the Hong Kong Special Administrative Region shall exercise the following powers and functions:

- (1) To lead the government of the region;
- (2) To be responsible for the implementation of this Law and other laws which, in accordance with this Law, apply in the Hong Kong Special Administrative Region;
- (3) To sign bills passed by the Legislative Council and to promulgate laws;

To sign bills on budget and final accounts passed by the Legislative Council and report them to the Central People's Government for the record;

- (4) To decide on government policies and to issue executive orders;

(5) To nominate and to report to the Central People's Government for appointment the following principal officials: Secretaries and Deputy Secretaries of Departments, Directors of Bureaus, the Commissioner Against Corruption, the Director of Audit, the Commissioner of Police and the Commissioner of External Affairs\*3; and to propose to the Central People's Government the removal of the above-mentioned officials;

To employ advisers at or above the director level as required and subject to the approval of the Central People's Government.

- (6) To appoint or remove judges of the court at various levels in accordance with legal procedures;
- (7) To appoint or remove public servants in accordance with legal procedures;

(8) To implement the directives issued by the Central People's Government in respect of the relevant matters provided for in this Law;

(9) To deal with, on behalf of the government of the Hong Kong Special Administrative Region, the external affairs and other affairs authorized by the Central Authorities;

(10) To approve the introduction of motions regarding revenues or expenditure to the Legislative Council;

(11) To decide, in the light of security and public interest, whether government officials or other personnel in charge of government affairs should testify or give evidence before the Legislative Council;

(12) To pardon persons convicted of criminal offences or commute their penalties; and

- (13) To handle petitions and complaints.

#### **Article 49**

If the Chief Executive considers that a bill passed by the Legislative Council is not compatible with the overall interest of the Hong Kong Special

Administrative Region, he/she may return it to the Legislative Council within three months for reconsideration. If the Legislative Council passes the original bill again by no less than a two-thirds majority, the Chief Executive must sign and promulgate it within one month, or act in accordance with the provisions of Article 50 of this Law.

#### **Article 50**

If the Chief Executive refuses to sign the bill passed by the Legislative Council for a second time, or the Legislative Council refuses to pass the budget or other important bills introduced by the government, and if consensus still cannot be reached after consultations, the Chief Executive may dissolve the Legislative Council.

Before dissolving the Legislative Council, the Chief Executive should ask for opinions from the Executive Council. A Chief Executive can dissolve the Legislative Council only once in each term of office.

#### **Article 51**

If the Legislative Council refuses to pass the budget bill presented by the government, or if appropriation of public funds cannot be approved because the Legislative Council is already dissolved, the Chief Executive may approve temporary short-term appropriations according to the level of the previous fiscal year's expenditure prior to the election of the new Legislative Council.

#### **Article 52**

The Chief Executive shall have to resign under any of the following circumstances:

(1) When he/she loses the ability to discharge the functions of his/her office due to serious illness or other reasons;

(2) When, after the Legislative Council is dissolved because he/she twice refuses to sign the bill it passes, the new Legislative Council again passed the original bill in dispute with a two-thirds majority; and

(3) When, after the Legislative Council is dissolved because it refuses to approve the budget or any other important bill, the new Legislative Council still refuses to pass the original bill in dispute.

#### **Article 53**

If the Chief Executive of the Hong Kong Special Administrative Region is not able to discharge his/her duties for a brief period, such duties shall temporarily be assumed by Administrative Secretary, Financial Secretary, Secretary of Justice in this order of precedence.

In the event that the office of the Chief Executive becomes vacant, a new Chief Executive shall be selected within six months, and during the period of vacancy, his/her duties shall be assumed



according to the provisions of the preceding paragraph.

#### **Article 54**

The Executive Council of the Hong Kong Special Administrative Region is an organ for assisting the Chief Executive in policy-making.

#### **Article 55**

Members of the Executive Council of the Hong Kong Special Administrative Region shall be appointed by the Chief Executive from among the principal officials of the executive authorities, members of the Legislative Council and public figures. Their term of office and the termination of their appointment before their term expires shall be decided by the Chief Executive. The term of office of members shall not exceed that of the Chief Executive who appoints them.

Members of the Executive Council of the Hong Kong Special Administrative Region shall be Chinese nationals who are permanent residents of the region.

The Chief Executive may invite other persons concerned to sit in at council meetings as he/she deems necessary.

#### **Article 56**

The Executive Council of the Hong Kong Special Administrative Region shall be presided over by the Chief Executive.

Except for the appointment, removal and disciplining of public officers and the adoption of measures in emergencies, the Chief Executive shall consult the Executive Council before making important decisions, introducing a bill to the Legislative Council, enacting subsidiary legislations, or dissolving the Legislative Council.

If the Chief Executive does not adopt a majority opinion of the Executive Council, he/she must put his/her specific reasons on record.

#### **Article 57**

A Commission Against Corruption shall be established in the Hong Kong Special Administrative Region. It shall function independently and be accountable to the Chief Executive.

#### **Article 58**

A Commission of Audit shall be established in the Hong Kong Special Administrative Region. It shall function independently and be accountable to the Chief Executive.

## **Section 2: The Executive Authorities**

#### **Article 59**

The government of the Hong Kong Special Administrative Region is the executive authorities of the region.

#### **Article 60**

The Chief Executive of the Hong Kong Special Administrative Region is the head of the government of the region.

A Department of Administration, a Department of Finance, a Department of Justice, bureaus, divisions and commissions shall be established under the government of the Hong Kong Special Administrative Region.

The structure of the government of the Hong Kong Special Administrative Region shall be prescribed by law.

#### **Article 61**

The principal officials of the Hong Kong Special Administrative Region shall be Chinese nationals who are permanent residents and have ordinarily resided in Hong Kong for a continuous period of 15 years.\*4

#### **Article 62**

The government of the Hong Kong Special Administrative Region shall exercise the following powers and functions:

- (1) To formulate and implement policies;
- (2) To manage the administrative affairs specified in Article 14 of this Law;
- (3) To manage the external affairs authorized by the Central People's Government under this Law;
- (4) To draw up and present budgets and final accounts; and
- (5) To draft and introduce bills, motions and subsidiary legislations.

#### **Article 63**

The prosecuting authority of the Hong Kong Special Administrative Region shall institute criminal prosecutions independently, free from any interference.

#### **Article 64**

The executive authorities of the Hong Kong Special Administrative Region must abide by the law and shall be accountable to the Legislative Council of the Hong Kong Special Administrative Region in the following respects: They shall implement laws passed by the legislature and already in force; they shall present regular reports on their work to the council; they shall answer questions raised by members of the council; and they shall obtain approval from the council for taxation and public expenditure.

#### **Article 65**

The establishment of advisory bodies under the executive authorities of the Hong Kong Special Administrative Region shall be maintained.

#### **Article 66**

The Legislative Council of the Hong Kong Special Administrative Region \*5 is the legislature of the region.

**Article 67**

The Legislative Council of the Hong Kong Special Administrative Region shall be constituted by a combination of direct and indirect elections.

The specific methods for forming the Legislative Council are prescribed in Annex II: "Method for Constituting the Legislative Council of the Hong Kong Special Administrative Region."

The method for forming the Legislative Council provided in Annex II may be modified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. Such modifications shall require the endorsement of a two-thirds majority of the members of the Legislative Council of the region and the consent of the Chief Executive, and shall be submitted to the Standing Committee of the National People's Congress for approval.

**Article 68**

The term of office of members of the Legislative Council of the Hong Kong Special Administrative Region shall be four years.

**Article 69**

If the Legislative Council of the Hong Kong Special Administrative Region is dissolved by the Chief Executive in accordance with the provisions of this Law, it shall be reconstituted by election within three months as prescribed by Article 67 of this Law.

**Article 70****Alternative 1:**

The president of the Legislative Council of the Hong Kong Special Administrative Region shall be elected from among the members of the Legislative Council.

The president of the Legislative Council of the Hong Kong Special Administrative Region shall be a Chinese national of no less than 40 years of age, who is a permanent resident of the region and has ordinarily resided in Hong Kong for a continuous period of 20 years.

**Alternative 2:**

The Chief Executive shall concurrently be the president of the Legislative Council of the Hong Kong Special Administrative Region.

**Article 71**

The president of the Legislative Council of the Hong Kong Special Administrative Region shall exercise the following powers and functions:

- (1) To preside over meetings;
- (2) To decide on and control the agenda;
- (3) To decide on the time and duration of meetings;

(4) To call special meetings during the recess; and

(5) Other powers and functions as prescribed in the rules of procedure of the Legislative Council.

**Article 72**

The Legislative Council of the Hong Kong Special Administrative Region shall exercise the following powers and functions:

(1) To enact, repeal or amend laws in accordance with the provisions of this Law and legal procedures;

(2) To examine and approve budgets and final accounts submitted by the executive authorities;

(3) To approve taxation and public expenditure;

(4) To hear and debate on the work reports of the Chief Executive;

(5) To raise questions on the work of the executive authorities;

(6) To hold debates on any issue concerning public interests;

(7) To endorse the appointment and removal of the judges of the Court of the Final Appeal and the Chief Justice of the High Court;

(8) To receive and deal with complaints from Hong Kong inhabitants; and

(9) In the event of serious breach of law or dereliction of duty by the Chief Executive, an independent investigating committee, to be chaired by the Chief Justice of the Court of Final Appeal, may be established on the motion initiated jointly by one-fourth of the members of the Legislative Council and passed by the council to carry out investigations and to report its findings to the council. If the committee considers the evidence sufficient, the council may pass a motion of impeachment with a two-thirds majority and report it to the Central People's Government for decision.

**Article 73****Alternative 1:**

Members of the Legislative Council of the Hong Kong Special Administrative Region may, in accordance with the provisions of this Law and legal procedures, individually or jointly introduce any bills. However written consent of the Chief Executive is required before the following three kinds of bills are introduced:

- (1) Bills relating to revenues and expenditure;
- (2) Bills relating to government policies; and
- (3) Bills relating to the structure and operation of the government.

**Alternative 2:**

Members of the Legislative Council of the Hong Kong Special Administrative Region may, in accordance with the provisions of this Law and

legal procedures, introduce bills. Bills which do not relate to public expenditure or public policies may be introduced individually or jointly by members of the council.

#### **Article 74**

The quorum for the meeting of the Legislative Council of the Hong Kong Special Administrative Region shall be no less than half of its members.

Unless otherwise provided for in this Law, the passage of any bill or motion in the Legislative Council of the Hong Kong Special Administrative Region requires the votes of more than half of its members present.

The rules of procedure of the Legislative Council shall be established by the council on its own, but they should not contravene this Law.

#### **Article 75**

A bill passed by the Legislative Council of the Hong Kong Special Administrative Region takes effect only after it is signed and promulgated by the Chief Executive.

#### **Article 76**

Members of the Legislative Council of the Hong Kong Special Administrative Region shall not be legally liable for speeches made at meetings of the council.

#### **Article 77**

Members of the Legislative Council of the Hong Kong Special Administrative Region shall not be subject to arrest when attending or on their way to a meeting of the Legislative Council.

#### **Article 78**

The president of the Legislative Council shall declare that a member of the council is no longer qualified to serve under any of the following circumstances\*6:

(1) When he/she loses the ability to discharge the functions of his/her office due to serious illness or other reasons;

(2) When he/she is absent from meetings for three consecutive months without the consent of the president of the Legislative Council;

(3) When he/she loses or renounces his/her status as a permanent resident of the Hong Kong Special Administrative Region;

(4) When he/she is bankrupt or fails to pay debts in defiance of a court ruling;

(5) When he/she is convicted and sentenced to imprisonment for one month or more for a criminal offence committed within or outside the Hong Kong Special Administrative Region and is relieved of his/her duties by a motion passed by two-thirds of the members of the Legislative Council present; and

(6) When he/she is censored for misbehaviour or breach of oath by a vote of two-thirds of the members of the Legislative Council present.

## **Section 4: Judicial Organs**

#### **Article 79**

The courts of the Hong Kong Special Administrative Region at various levels are the judicial organs of the region, exercising the judicial power of the region.

#### **Article 80**

The Court of Final Appeal, the High Court, district courts, magistrates' courts and other special courts are established in the Hong Kong Special Administrative Region. The High Court comprises the Court of Appeal and the Court of the First Instance.

The judicial system previously in practice in Hong Kong shall be maintained except for those changes consequent upon the establishment of the Court of Final Appeal in the Hong Kong Special Administrative Region.

#### **Article 81**

The power of final adjudication of the Hong Kong Special Administrative Region is vested in the Court of Final Appeal in the region, which may, as required, invite judges from other common law jurisdictions to sit on the Court of Final Appeal.

#### **Article 82**

The structure, powers and functions of the courts of the Hong Kong Special Administrative Region at various levels shall be prescribed by law.

#### **Article 83**

The courts of the Hong Kong Special Administrative Region decide cases in accordance with the laws applicable in the region as prescribed in Article 17 of this Law and may refer to precedents in other common law jurisdictions.

#### **Article 84**

The courts of the Hong Kong Special Administrative Region exercise judicial power independently, free from any interference. Members of the judiciary are immune from legal action in respect of their judicial functions.

#### **Article 85**

The principle of trial by jury previously practised in Hong Kong shall be maintained.

#### **Article 86**

In criminal or civil proceedings in the Hong Kong Special Administrative Region, the principles previously applied in Hong Kong and the rights previously enjoyed by the parties to the proceedings shall be maintained.

#### **Article 87**

Judges of the courts of the Hong Kong Special Administrative Region \*7 shall be appointed by the Chief Executive acting in accordance with the recommendation of an independent commission composed of local judges, persons from the legal profession and other eminent persons.

**Article 88**

A judge of a court of the Hong Kong Special Administrative Region may be removed for inability to discharge the functions of his/her office, or for misbehaviour, by the Chief Executive acting upon the recommendation of a tribunal appointed by the Chief Justice of the Court of Final Appeal and consisting of not fewer than three local judges.

The Chief Justice of the Court of Final Appeal in the Hong Kong Special Administrative Region may be investigated for inability to discharge the functions of his/her office, or for misbehaviour, by a tribunal appointed by the Chief Executive and consisting of not fewer than five local judges, and may be removed by the Chief Executive on the recommendation of the tribunal and in accordance with the procedures provided for in this Law.

**Article 89**

In addition to the procedures prescribed in Articles 87 and 88 of this Law, the appointment and removal of judges of the Court of Final Appeal and the Chief Justice of the High Court in the Hong Kong Special Administrative Region shall be made by the Chief Executive with the endorsement of the Legislative Council of the region and reported to the Standing Committee of the National People's Congress for the record.

**Article 90**

The previous system of appointment and removal of members of the judiciary other than judges of the Hong Kong Special Administrative Region shall be maintained.

**Article 91**

Judges and other members of the judiciary of the Hong Kong Special Administrative Region shall be chosen by reference to their judicial and professional qualities and may be recruited from other common law jurisdictions.

**Article 92**

Judges and other members of the judiciary serving in Hong Kong before the establishment of the Hong Kong Special Administrative Region may all remain in employment and retain their seniority with pay, allowances, benefits and conditions of service no less favourable than before.

**Article 93**

The Hong Kong Special Administrative Region shall pay to judges and other members of the judiciary who retire or leave the service in compliance with regulations as well as to those who have retired or left the service before the establishment of the Hong Kong Special Administrative Region, or to their dependents, all pensions, gratuities, allowances and benefits due to them on terms no less favourable than before, and irrespective of their nationality or place of residence.

**Article 94**

The judicial organs of the Hong Kong Special Administrative Region may, through consultation and in accordance with law, maintain judicial relations with those of other parts of the country, and they may render assistance to each other.

**Article 95**

With the assistance or authorization of the Central People's Government, the government of the Hong Kong Special Administrative Region may make appropriate arrangements with foreign states for reciprocal judicial assistance.

**Section 5: District Organizations****Article 96**

District organizations which are not local organs of political power may be established in the Hong Kong Special Administrative Region, to be consulted by the government of the region on district administration and other affairs, or to be responsible for providing services in such fields as culture, recreation and environmental sanitation.\*8

**Article 97**

The powers and functions of the district organizations and their composition shall be prescribed by law.

**Section 6: Public Servants****Article 98**

Public servants serving in all government departments of the Hong Kong Special Administrative Region must be permanent residents of the region, except where otherwise provided for in Article 100 of this Law and except for those below a certain salary point as prescribed by law.

Public servants must be dedicated to their duties and be responsible to the government of the Hong Kong Special Administrative Region.

**Article 99**

Public servants serving in all Hong Kong government departments, including the police department, before the establishment of the Hong Kong Special Administrative Region, may all remain in employment and retain their seniority with pay, allowances, benefits and conditions of service no less favourable than before.

**Article 100**

The government of the Hong Kong Special Administrative Region may employ British and other foreign nationals previously serving in the public service in Hong Kong, or those holding permanent identity cards of the region to serve as public servants at various levels, but only Chinese nationals among permanent residents of the region

can fill the following posts: the Secretary and Deputy Secretaries of Departments, Directors of Bureaus, the Commissioner Against Corruption, the Director of Audit, Deputy Directors for Security and for Civil Service, the Commissioner and Deputy Commissioners of Police, the Commissioner and Deputy Commissioners of External Affairs, the Commissioner of Immigration and the Inspector General of Customs and Excise.

The government of the Hong Kong Special Administrative Region may also employ British and other foreign nationals as advisers to government departments and, when there is need, may recruit qualified candidates from outside the region to professional and technical posts in government departments. These foreign nationals shall be employed only in their individual capacities and shall be responsible to the government of the region.

#### **Article 101**

The government of the Hong Kong Special Administrative Region shall pay to public servants who retire or leave the service in compliance with regulations as well as to those who have retired or left the service in compliance with regulations before the establishment of the Hong Kong Special Administrative Region, or to their dependents, all pensions, gratuities, allowances and benefits due to them on terms no less favourable than before, and irrespective of their nationality or place of residence.

#### **Article 102**

The appointment and promotion of public servants shall be on the basis of their qualifications, experience and ability. Hong Kong's previous system of recruitment, employment, assessment, discipline, training and management for the public service, including special bodies for their appointment, pay and conditions of service, shall be maintained, except for any provisions for privileged treatment of foreign nationals.

#### **Article 103**

The Chief Executive, principal officials, members of the Executive Council and of the Legislative Council, judges of courts at all levels and other members of the judiciary in the Hong Kong Special Administrative Region must be sworn in according to law when assuming office.

## **Chapter V: Economy**

### **Section 1: Public Finance and Taxation**

#### **Article 104**

The Hong Kong Special Administrative

Region shall have independent finances.

The Hong Kong Special Administrative Region shall use its financial revenues exclusively for its own purposes, and they shall not be handed over to the Central People's Government.

#### **Article 105**

The government of the Hong Kong Special Administrative Region shall follow the principle of measuring expenditure by revenues in drawing up its budget.

The government of the Hong Kong Special Administrative Region shall, over a number of fiscal years taken as a whole, maintain a basic balance between total budgetary revenues and expenditure.

In principle, the rate of increase of the budgetary revenues and the expenditure of the Hong Kong Special Administrative Region shall not exceed that of the gross domestic product over a number of fiscal years taken as a whole.

#### **Article 106**

The Hong Kong Special Administrative Region shall practise an independent taxation system.

The Central People's Government shall not levy taxes in the Hong Kong Special Administrative Region.

#### **Article 107**

The Hong Kong Special Administrative Region shall continue to practise a low tax policy.

#### **Article 108**

The types of taxes, the tax rates and tax exemptions in the Hong Kong Special Administrative Region shall be prescribed by law.

## **Section 2: Money and Finance**

#### **Article 109**

The government of the Hong Kong Special Administrative Region shall create conditions and take measures for the maintenance of the status of the Hong Kong Special Administrative Region as an international financial centre.

#### **Article 110**

The Hong Kong Special Administrative Region shall continue to practise free and open monetary and financial policies. Its monetary and financial systems shall be governed by law.

#### **Article 111**

No exchange control policies shall be applied in the Hong Kong Special Administrative Region. Markets for foreign exchange, gold, securities and futures shall continue.

#### **Article 112**

The government of the Hong Kong Special Administrative Region shall safeguard the free flow

of all capital within, into and out of the region.

**Article 113**

The government of the Hong Kong Special Administrative Region shall safeguard the free operation of financial business and financial markets and shall regulate and supervise them in accordance with law.

**Article 114**

The Hong Kong dollar, as the legal tender in the Hong Kong Special Administrative Region, shall continue to circulate and remain freely convertible.

**Article 115**

The authority to issue Hong Kong currency shall be vested in the government of the Hong Kong Special Administrative Region. The system regarding the issue of Hong Kong currency shall be prescribed by law.

The issue of Hong Kong currency shall be backed up by a reserve fund of no less than 100 percent freely-convertible foreign currency.

The government of the Hong Kong Special Administrative Region may authorize designated banks to issue or continue to issue Hong Kong currency under statutory authority, after satisfying itself that any issue of currency will be soundly based and that the arrangements for such issue are consistent with the object of maintaining the stability of the currency.

**Article 116**

The Exchange Fund of the Hong Kong Special Administrative Region shall be managed and controlled by the government of the region, primarily for regulating the exchange value of the Hong Kong dollar.

### **Section 3: External Trade and Economic Relations**

**Article 117**

The Hong Kong Special Administrative Region shall continue the policy of free external trade and free external economic relations.

The government of the Hong Kong Special Administrative Region shall safeguard the free movement of goods, intangible assets and capital.

Investments from outside the region shall be protected by law.

**Article 118**

The Hong Kong Special Administrative Region shall remain a free port.

The Hong Kong Special Administrative Region shall not impose any tariff unless otherwise stipulated by law.

**Article 119**

The Hong Kong Special Administrative

Region shall be a separate customs territory.

The Hong Kong Special Administrative Region may, using the name "Hong Kong, China," participate in relevant international organizations and international trade agreements, including preferential trade arrangements, such as the General Agreement on Tariffs and Trade and arrangements regarding international trade in textiles.

**Article 120**

Export quotas, tariff preferences and other similar arrangements, which are obtained by the Hong Kong Special Administrative Region or which were obtained and remain valid, shall be enjoyed exclusively by the region.

**Article 121**

The Hong Kong Special Administrative Region may in accordance with prevailing rules of origin issue its own certificates of origin for products manufactured locally.

### **Section 4: Industry, Commerce and Other Trades**

**Article 122**

The Hong Kong Special Administrative Region shall practise free and open policies regarding industry, commerce and other trades.

**Article 123**

The government of the Hong Kong Special Administrative Region shall create the necessary environment and conditions for encouraging industrial investment, technological progress and the development of new industries.

**Article 124**

The government of the Hong Kong Special Administrative Region shall formulate appropriate policies to promote and co-ordinate the development of various trades such as commerce, tourism, real estate, transport, public utilities, services, agriculture and fishery.

### **Section 5: Land Leases**

**Article 125**

The government of the Hong Kong Special Administrative Region may, on its own, formulate policies regarding the development, management and use of land.

**Article 126**

All leases of land granted, decided upon or renewed before the establishment of the Hong Kong Special Administrative Region which extend beyond June 30, 1997, and all rights in relation to such leases, shall continue to be recognized and

protected under the law of the region.

**Article 127**

As regards leases of land granted, or renewed where the original leases contain no right of renewal, during the period from May 27, 1985 to June 30, 1997, which extend beyond June 30, 1997 and expire not later than June 30, 2047, the lessee is not required to pay an additional premium as from July 1, 1997, but an annual rent equivalent to 3 percent of the rateable value of the property at that date, adjusted in step with any changes in the rateable value thereafter, shall be charged.

**Article 128**

In the case of old schedule lots, village lots, small houses and similar rural holdings, where the property was on June 30, 1984 held by, or, in the case of small houses granted after that date, where property is granted to, a person descended through the male line from a person who was in 1898 a resident of an established village in Hong Kong, the previous rent shall remain unchanged so long as the property is held by that person or by one of his lawful successors in the male line.

**Article 129**

Where leases of land without a right of renewal expire after the establishment of the Hong Kong Special Administrative Region, they shall be dealt with in accordance with laws and policies formulated by the region on its own.

**Section 6: Shipping**

**Article 130**

The Hong Kong Special Administrative Region shall maintain Hong Kong's previous systems of shipping management and shipping regulation.

The specific functions and responsibilities of the government of the Hong Kong Special Administrative Region in respect of shipping shall be defined by it on its own.

**Article 131**

The Hong Kong Special Administrative Region shall be authorized by the Central People's Government to continue to maintain a shipping register and issue related certificates under its own legislation, using the name "Hong Kong, China."

**Article 132**

With the exception of foreign warships, access for which requires the special permission of the Central People's Government, ships shall enjoy access to the ports of the Hong Kong Special Administrative Region in accordance with the laws of the region.

**Article 133**

Private shipping businesses and shipping-

related businesses and private container terminals in the Hong Kong Special Administrative Region may continue to operate freely.

**Section 7: Civil Aviation**

**Article 134**

The government of the Hong Kong Special Administrative Region shall create conditions and take measures for the maintenance of the status of the region as a centre of international and regional aviation.

**Article 135**

The Hong Kong Special Administrative Region shall continue the previous system of civil aviation management in Hong Kong and keep its own aircraft register in accordance with provisions laid down by the Central People's Government concerning nationality marks and registration marks of aircraft.

Access of foreign military aircraft to the Hong Kong Special Administrative Region requires the special permission of the Central People's Government.

**Article 136**

The Hong Kong Special Administrative Region shall be responsible on its own for matters of routine business and technical management of civil aviation, including the management of airports, the provision of air traffic services within the flight information region of the Hong Kong Special Administrative Region, and the discharge of other responsibilities allocated to it under the regional air navigation procedures of the International Civil Aviation Organization.

**Article 137**

The Central People's Government shall, in consultation with the government of the Hong Kong Special Administrative Region, make arrangements providing for air services between the region and other parts of the People's Republic of China for airlines incorporated in the Hong Kong Special Administrative Region and having their principal place of business in Hong Kong and other airlines of the People's Republic of China.

**Article 138**

All air service agreements providing for air services between other parts of the People's Republic of China and other states and regions with stops at the Hong Kong Special Administrative Region and for air services between the Hong Kong Special Administrative Region and other states and regions with stops at other parts of the People's Republic of China shall be concluded by the Central People's Government.

In concluding the international air service

agreements referred to in the first Paragraph of this Article, the Central People's Government shall take account of the special conditions and economic interests of the Hong Kong Special Administrative Region and consult the government of the region.

Representatives of the government of the Hong Kong Special Administrative Region may participate, as members of the delegations of the Government of the People's Republic of China, in air service consultations with foreign governments concerning arrangements for such services referred to in the first Paragraph of this Article.

**Article 139**

Acting under specific authorizations from the Central People's Government, the government of the Hong Kong Special Administrative Region may:

- (1) renew or amend air service agreements and arrangements previously in force;
- (2) negotiate and conclude new air service agreements providing routes for airlines incorporated in the Hong Kong Special Administrative Region and having their principal place of business in Hong Kong and rights for over-flights and technical stops; and
- (3) negotiate and conclude provisional arrangements where no air service agreement with a foreign state or with another region is in force.

All scheduled air services to, from or through Hong Kong, which do not operate to, from or through the mainland of China shall be regulated by the air service agreements or provisional arrangements referred to in this Article.

**Article 140**

The Central People's Government shall give the government of the Hong Kong Special Administrative Region the authority to:

- (1) negotiate and conclude with other authorities all arrangements concerning the implementation of the air service agreements and provisional arrangements referred to in Article 139 of this Law;
- (2) issue licences to airlines incorporated in the Hong Kong Special Administrative Region and having their principal place of business in Hong Kong;
- (3) designate such airlines under the air service agreements and provisional arrangements referred to in Article 139 of this Law; and
- (4) issue permits to foreign airlines for services other than those to, from or through the mainland of China.

**Article 141**

Airlines incorporated and having their principal place of business in Hong Kong and civil aviation related businesses there before the establishment of the Hong Kong Special

Administrative Region may continue to operate.

**Chapter VI: Education, Science, Culture, Sports, Religion, Labour and Social Services****Article 142**

The Hong Kong Special Administrative Region shall maintain the educational system previously practised in Hong Kong.

**Article 143**

The government of the Hong Kong Special Administrative Region shall, on its own, formulate policies on education, including policies regarding the educational system and its administration, the language of instruction, the allocation of funds, the examination system, the system of academic awards and the recognition of educational qualifications.

Community organizations and individuals may, in accordance with law, run educational undertakings of various kinds in the Hong Kong Special Administrative Region.

**Article 144**

Educational institutions of all kinds may retain their autonomy and enjoy academic freedom. They may continue to recruit staff and use teaching materials from outside the Hong Kong Special Administrative Region. Schools run by religious organizations may continue to provide religious education, including courses on religion.

Students shall enjoy freedom to choose between educational institutions and to pursue their education outside the Hong Kong Special Administrative Region.

**Article 145**

The government of the Hong Kong Special Administrative Region shall promote the development of medical and health services and the development of Western and Chinese traditional medicine, and encourage community organizations and individuals to provide medical and health services of various kinds.

**Article 146**

The government of the Hong Kong Special Administrative Region shall, on its own, formulate policies on science and technology. The Hong Kong Special Administrative Region shall protect, by law, achievements in scientific and technological research, patents, discoveries and inventions.

The government of Hong Kong Special Administrative Region shall, on its own, decide on the scientific and technological standards and specifications applicable in Hong Kong.

**Article 147**

The government of the Hong Kong Special Administrative Region shall, on its own, formulate policies on culture and protect the achievements and the legitimate rights and interests of authors in



their literary and artistic pursuits.

**Article 148**

The government of the Hong Kong Special Administrative Region shall not interfere in the internal affairs of religious organizations and shall not restrict religious activities which do not contravene the laws of the region.

Religious organizations shall, in accordance with law, enjoy the rights to acquire, use, dispose of and inherit property and the right to receive financial assistance. Their previous property rights and interests shall be maintained and protected.

**Article 149**

Religious organizations and believers in the Hong Kong Special Administrative Region may maintain and develop their relations with religious organizations and believers elsewhere.

Religious organizations may, according to their previous practice, continue to run seminaries and other schools, hospitals and welfare institutions and to provide other social services.

**Article 150**

The government of the Hong Kong Special Administrative Region shall, on its own, decide on the methods of assessing and accrediting qualifications for practice of the various professions. The methods of assessing and accrediting qualifications previously practised in Hong Kong may be maintained and perfected.

Persons with professional qualifications or qualifications for professional practice obtained prior to the establishment of the Hong Kong Special Administrative Region may retain their previous qualifications.

The Hong Kong Special Administrative Region shall maintain the professions and the professional organizations recognized prior to the establishment of the region, and these organizations may, on their own, assess and accredit professional qualifications.

The government of the Hong Kong Special Administrative Region may, as required by developments in society and in consultation with the parties concerned, recognize new professions and professional organizations.

**Article 151**

The government of the Hong Kong Special Administrative Region shall, on its own, formulate policies on sports. Previous non-governmental sports organizations may continue to exist and develop in accordance with law.

**Article 152**

The Hong Kong Special Administrative Region shall maintain the policy previously practised in Hong Kong in respect of subventions for organizations in fields such as education,

medicine, culture, arts, recreation, sports, social welfare and social work. Staff previously serving in subventioned organizations in Hong Kong may remain in their employment in accordance with the previous system.

**Article 153**

The government of the Hong Kong Special Administrative Region shall maintain the previous social welfare system and shall formulate, on its own, policies on the development and improvement of this system in the light of the economic conditions and social needs.

**Article 154**

Voluntary organizations providing social services in the Hong Kong Special Administrative Region may, on their own, decide their forms of service in accordance with law.

**Article 155**

The Hong Kong Special Administrative Region shall, on its own, formulate labour laws and policies in the light of economic development, social needs and the specific circumstances of labour-management consultations.

**Article 156**

The relationship between non-governmental organizations in fields such as education, science, technology, culture, sports, the professions and social welfare as well as religious organizations in the Hong Kong Special Administrative Region and their counterparts on the mainland shall be in conformity with the principles of non-subordination, non-interference and mutual respect.

**Article 157**

Organizations in fields such as education, science, technology, culture, sports, health, the professions, labour, social welfare and religion in the Hong Kong Special Administrative Region may maintain and develop relations with foreign countries and other regions and with relevant international organizations. They may, as required, use the name "Hong Kong, China" in the relevant activities.

## **Chapter VII: External Affairs**

**Article 158**

Representatives of the government of the Hong Kong Special Administrative Region may participate, as members of delegations of the Government of the People's Republic of China, in negotiations at the diplomatic level directly affecting the region conducted by the Central People's Government.

**Article 159**

The Hong Kong Special Administrative

Region may, on its own, using the name "Hong Kong, China," maintain and develop relations and conclude and implement agreements with states, regions and relevant international organizations in the appropriate fields, including the economic, trade, financial and monetary, shipping, communications, tourism, cultural and sports fields.

**Article 160**

Representatives of the Hong Kong Special Administrative Region may participate, as members of delegations of the Government of the People's Republic of China, in international organizations or conferences in appropriate fields limited to states and affecting the region, or may attend in such other capacity as may be permitted by the Central People's Government and the international organization or conference concerned, and may express their views, using the name "Hong Kong, China."

The Hong Kong Special Administrative Region may, using the name "Hong Kong, China," participate in international organizations and conferences not limited to states.

The Central People's Government shall take the necessary steps to ensure that the Hong Kong Special Administrative Region shall continue to retain its status in an appropriate capacity in those international organizations of which the People's Republic of China is a member and in which Hong Kong participates in one capacity or another.

The Central People's Government shall, where necessary, facilitate the continued participation of the Hong Kong Special Administrative Region in an appropriate capacity in those international organizations in which Hong Kong is a participant in one capacity or another, but of which the People's Republic of China is not a member.

**Article 161**

The application to the Hong Kong Special Administrative Region of international agreements to which the People's Republic of China is or becomes a party shall be decided by the Central People's Government, in accordance with the circumstances and needs of the region, and after seeking the views of the government of the region.

International agreements to which the People's Republic of China is not a party but which are implemented in Hong Kong may continue to be implemented in the Hong Kong Special Administrative Region. The Central People's Government shall, as necessary, authorize or assist the government of the region to make appropriate arrangements for the application to the region of other relevant international agreements.

**Article 162**

The Central People's Government shall

authorize the government of the Hong Kong Special Administrative Region to issue, in accordance with law, passports of the Hong Kong Special Administrative Region of the People's Republic of China to all Chinese nationals who hold permanent identity cards of the region, and travel documents of the Hong Kong Special Administrative Region of the People's Republic of China to all other persons lawfully residing in the region. The above passports and documents shall be valid for all states and regions and shall record the holder's right to return to Hong Kong.

The government of the Hong Kong Special Administrative Region may apply immigration controls on entry into, stay in and departure from the Hong Kong Special Administrative Region by persons from foreign states and other regions.

**Article 163**

The Central People's Government shall assist or authorize the government of the Hong Kong Special Administrative Region to conclude visa exemption agreements with states or regions.

**Article 164**

The Hong Kong Special Administrative Region may, as necessary, establish official or semi-official economic and trade missions in foreign countries and shall report the establishment of such missions to the Central People's Government for the record.

**Article 165**

The establishment of foreign consular and other official or semi-official missions in the Hong Kong Special Administrative Region requires the approval of the Central People's Government.

Consular and other official missions established in Hong Kong by states which have formal diplomatic relations with the People's Republic of China may be maintained.

According to the circumstances of each case, consular and other official missions established in Hong Kong by states which have no formal diplomatic relations with the People's Republic of China may either be permitted to remain or be changed to semi-official missions.

States not recognized by the People's Republic of China can only establish non-governmental institutions in Hong Kong.

## **Chapter VIII: The Regional Flag and Regional Emblem of The Hong Kong Special Administrative Region**

**Article 166**

Apart from displaying the national flag and

national emblem, the Hong Kong Special Administrative Region may use a regional flag and regional emblem of its own (to be drafted).

**Article 167**

The regional flag of the Hong Kong Special Administrative Region (to be drafted).

**Article 168**

The regional emblem of the Hong Kong Special Administrative Region (to be drafted).

## **Chapter IX: Interpretation and Amendment of the Basic Law**

**Article 169**

The power of interpretation of this Law is vested in the Standing Committee of the National People's Congress.

When the Standing Committee of the National People's Congress makes an interpretation of a provision of this Law, the courts of the Hong Kong Special Administrative Region, in applying that provision, shall follow the interpretation of the Standing Committee. However, judgments previously rendered shall not be affected.

The courts of the Hong Kong Special Administrative Region may interpret the provisions of this Law in adjudicating cases before them. If a case involves an interpretation of the provisions of this Law concerning defence, foreign affairs and other affairs which are the responsibility of the Central People's Government, the courts of the region, before making their final judgment on the case, shall seek an interpretation of the relevant provisions from the Standing Committee of the National People's Congress.

The Standing Committee of the National People's Congress shall consult its Committee for the Basic Law of the Hong Kong Special Administrative Region before giving an interpretation of this Law.

**Article 170**

The power of amendment of this Law is vested in the National People's Congress.

The right to propose amendments to this Law rests with the Standing Committee of the National People's Congress, the State Council and the Hong Kong Special Administrative Region. Amendment proposals from the Hong Kong Special Administrative Region shall be submitted to the National People's Congress by the delegation of the region to the National People's Congress after obtaining the consent of two-thirds of the deputies of the region to the National People's Congress, two-thirds of all the members of the legislature of the region, and the Chief Executive of the region.

Before a proposal for an amendment to this Law is put on the agenda of the National People's Congress, the Committee for the Basic Law of the Hong Kong Special Administrative Region shall first study it and submit its views.

No amendment to this Law shall contravene the established basic policies of the People's Republic of China regarding Hong Kong.

## **Chapter X: Supplementary Provisions**

**Article 171**

The first government and the first Legislative Council of the Hong Kong Special Administrative Region shall be established in accordance with the principles of national sovereignty and of smooth transition and in accordance with the stipulations of Annex III: "Method for the Formation of the First Government and the First Legislative Council of the Hong Kong Special Administrative Region."

**Article 172**

At the time of the establishment of the Hong Kong Special Administrative Region, the laws previously in force in Hong Kong shall be adopted as laws of the region except for those which the Standing Committee of the National People's Congress declares to be in contravention of this Law. If any laws are later discovered to be in contravention of this Law, they can be annulled or revised according to the procedure as prescribed by this Law.

Documents, certificates, contracts, and rights and obligations valid under the laws previously in force in Hong Kong shall continue to be valid and be recognized and protected by the laws of the Hong Kong Special Administrative Region, provided that they do not contravene this Law.

## **Annex I Method for Selecting the Chief Executive of the Hong Kong Special Administrative Region**

**Alternative 1**

1. The Chief Executive of the Hong Kong Special Administrative Region shall be elected locally by a broadly representative electoral college.

2. The electoral college shall be composed of about 600 representatives from various walks of life in Hong Kong, including members of the legislature; representatives of district organizations; representatives of corporate bodies and noncorporate permanent organizations; and representatives

of various functional constituencies (including industry, commerce, finance, professions, education, labour, religious communities, social services and the public servants).

3. Communities and organizations with seats in the electoral college may, according to their own rules, elect their representatives by a democratic procedure. Each elected representative must not concurrently represent several organizations and shall vote in an individual capacity. The electoral college will be dissolved after the election is completed.

4. The electoral college shall elect a nominating committee of 20 members from its own midst. The committee shall nominate three candidates for the office of the Chief Executive. Members of the nominating committee cannot run for the office of the Chief Executive, nor can they vote in the election of the Chief Executive.

5. The electoral college shall vote on the nominations by the nominating committee, and a candidate must win over half of the votes to be elected. If no one wins over half of the votes on the first ballot, a second ballot has to be taken on the two candidates with the highest number of votes. The Chief Executive elected by the electoral college shall be reported to the Central People's Government for appointment.

6. Detailed election rules shall be prescribed by the laws of the government of the Hong Kong Special Administrative Region.

**Alternative 2**

1. The Chief Executive of the Hong Kong Special Administrative Region shall be nominated by no less than one-tenth of the members of the legislature, and directly elected by a general election held throughout Hong Kong.

2. Each member of the legislature can nominate only one candidate for the Chief Executive.

3. The election for the Chief Executive must be genuine and held at regular-intervals. The right to vote must be universal and equal. Election should be by secret ballot to ensure free expression of the will of the voters.

4. If the elected Chief Executive is a member of the legislature, the executive authorities, or the judicial organs, he/she must resign from his/her original post upon election.

5. Detailed rules for the election of the Chief Executive shall be prescribed by the laws of the Hong Kong Special Administrative Region.

**Alternative 3**

1. The Chief Executive shall be elected by a functional electoral college on a one-person-one-vote basis.

2. The functional electoral college shall have no more than 600 members and be composed of representatives elected from among the permanent residents of the Hong Kong Special Administrative Region, who belong to business, financial, professional, labour and other organizations which have an influence on the operation of the government and social services. The proportions of representation shall be as follows:

Business and financial organizations	25%
Professional bodies	35%
Labour organizations	10%
Religious, social welfare and philanthropic institutions	15%
Area committees and street vendors' organizations	15%

3. Any person with qualifications prescribed by Article 44 of this Law and nominated by no less than 50 permanent residents of Hong Kong can become a candidate for the Chief Executive of the Hong Kong Special Administrative Region.

4. Members of the electoral college shall not nominate or be nominated as candidates. Nominators shall not be members of the electoral college or be candidates. Candidates shall not be members of the electoral college or nominators of other candidates.

**Alternative 4.**

1. The selection of the first Chief Executive is specified in other provisions. The second or third chief executives shall be selected by an advisory group through consultation.

The advisory group shall be composed of 50-100 advisers. Candidates for advisers shall be nominated by different circles in Hong Kong, selected by the Executive Council and then appointed by the Chief Executive after approval by the Central People's Government. (These are special political advisers, different from other professional advisers).

Each advisory group must be formed six months before the term of office of the incumbent Chief Executive expires. But if the advisory group and the Central People's Government endorse him/her for another term, the next advisory group need not be formed.

2. Subsequent chief executives shall be elected by an electoral college.

The electoral college shall be composed of former members of the Legislative Council, former members of the Executive Council, former chief executives, and former principal officials appointed by the Central People's Government. The first electoral college cannot be formed with less than 250 members. The number may gradually increase in the successive electoral colleges, but shall not

exceed 500. Once that number is exceeded, members will have to resign in the order of their length in office. If their length in office is the same, the member elder in age shall resign first.

Three candidates for the office of the Chief Executive shall be nominated by the advisory group and, after the approval of the Central People's Government, the Chief Executive shall be voted on by the electoral college.

#### Alternative 5

1. The Chief Executive shall be elected by all the voters of Hong Kong on a one-person-one-vote basis. Three candidates shall be nominated, through consultation or by ballot after consultation, by the "Nominating Committee for the Election of the Chief Executive of the Hong Kong Special Administrative Region."

2. The "Nominating Committee" shall be composed of permanent residents of Hong Kong who must be broadly representative, including deputies of the Hong Kong region to the National People's Congress, members of the National Committee of the Chinese People's Political Consultative Conference from the Hong Kong region, representatives from Hong Kong's legislature and from district organizations, and from other strata and sections of society in Hong Kong.

3. The proportions of representation of the "nominating committee" shall be as follows:

Representatives of business and financial circles	25%
Representatives of professional bodies	25%
Representatives of labour, grass-roots and religious organizations	25%
Members of the legislature	12%
Members of district organizations	8%
Deputies to the National People's Congress and members of the National Committee of the Chinese People's Political Consultative Conference	5%

4. The "nominating committee" shall formulate a procedure for consultation or balloting and nominate candidates for the office of the Chief Executive. Members of the nominating committee shall not be candidates for the office of the Chief Executive.

5. Members of the "nominating committee" shall be elected, recommended or selected through consultation by corporate bodies or noncorporate permanent organizations in various fields. Rules of the "nominating committee" shall be prescribed by the laws of the Hong Kong Special Administrative Region.

6. The Hong Kong Special Administrative

Region shall stipulate by law the provisions for constituency registration and voting procedures for a one-person-one-vote general election of the Chief Executive.

## Annex II Method for Constituting the Legislative Council of the Hong Kong Special Administrative Region

#### Alternative 1

1. The legislature of the Hong Kong Special Administrative Region shall be composed of 80 persons. The proportions of representation shall be as follows:

- Members elected by functional bodies 50%
- Members directly elected by districts 25%
- Members elected by the electoral college 25%

2. The composition of the electoral body and the nominating committee shall be the same as that prescribed in Alternative 1, "Method for Selecting the Chief Executive of the Hong Kong Special Administrative Region," and the chairman of the nominating committee shall be the Chief Executive.

3. In the above three types of election, each person can vote and stand for election only in one.

4. The term of office of the members of the legislature shall be four years, and half the members shall be elected every two years. The functional bodies shall elect half of their members to the legislature every two years. The direct election in the districts and the election by the electoral college shall be held alternately every two years (District direct elections and elections of the Chief Executive shall take place in the same year).

5. District direct elections: Hong Kong shall be divided into 10 constituencies, with two seats for each constituency, and the two candidates with the first and second highest number of votes shall be elected.

6. Detailed election rules shall be prescribed by the laws of the Hong Kong Special Administrative Region.

#### Alternative 2

1. The legislature of the Hong Kong Special Administrative Region shall be constituted as follows: No less than 50 percent of the members shall be directly elected in a general election; no more than 25 percent shall be elected by the functional bodies, and no more than 25 percent shall be elected by district organizations (i.e. district boards, Urban Council and Regional Council or other similar organizations).

2. The direct election of the legislature must be genuine and held at regular intervals. The right to

vote must be universal and equal. Election should be by secret ballot so as to ensure free expression of the will of the voters.

3. Detailed rules for the election of the legislature shall be prescribed by the laws of the Hong Kong Special Administrative Region.

#### **Alternative 3**

1. The legislature of the Hong Kong Special Administrative Region shall have 60 members.

2. Thirty percent of the members (i.e. 18 persons) shall be elected by the advisory group from among non-advisers. At least one-third of these members (i.e. 6 persons) shall be principal officials, and the rest (around two-thirds) shall be members of the Executive Council and other public figures. (Members of the legislature elected by the advisory group must include members of the Executive Council and principal officials so as to strengthen the links between the executive and the legislature).

3. Forty percent of the members (i.e. 24 persons) shall be elected by functional bodies.

4. Thirty percent of the members shall be elected directly by the districts. The members of the legislature directly elected and those elected by the advisory group shall be roughly the same in number and shall be elected roughly at the same time, so that balance can be maintained. (Unless the method of the election by the advisory group is accepted, direct election cannot be held).

5. Two election methods stated above in Paragraphs 3 and 4 shall be prescribed in detail by law.

#### **Alternative 4**

1. The composition of the legislature of the Hong Kong Special Administrative Region shall be as follows:

From business circles	30%
From the professions	25%
From grass-roots organizations	20%
Through district general elections	25%

2. The composition is thus divided into four major categories. The first three major categories are further divided into sub-categories according to trades or professions. The delimitation of each sub-category and the number of members it elects to the legislature shall be prescribed by the laws of the Hong Kong Special Administrative Region.

All members of the legislature who belong to the three major categories shall be elected from corporate bodies in accordance with law.

According to the assigned number of seats, each corporate body shall decide on its own which of the following methods to adopt for electing its members to the legislature:

(1) Each member is directly elected on a one-person-one-vote basis;

(2) Members from its subsidiaries are elected through indirect election on a one-unit-one-vote basis; and

(3) The general membership conference authorizes a council to elect members through indirect election.

3. The division of the district constituencies, the voter registration, the voting procedures, and the nomination of candidate in district general elections shall be prescribed by the laws of the Hong Kong Special Administrative Region.

(Notes)

1. The members who put forward alternatives 1 and 3 maintained that their proposed methods for electing members of the legislature are "package" deals, that is to say, direct district election is conditional upon the acceptance of the other two types of election.

2. Some members proposed that all the members of the legislature of the Hong Kong Special Administrative Region be elected by the functional bodies and that the method of election by the functional bodies be the same as that in Alternative 3 in Annex I.

3. A member proposed that all the members of the legislature of the Hong Kong Special Administrative Region be elected by districts through direct election on a one-person-one-vote basis. The election of the legislature must be genuine and held at regular interval. The right to vote must be universal and equal. The election must be by secret ballot so as to ensure a free expression of the will of the voters.

4. A member proposed that the method of general election on one-person-one-vote basis should be considered together with the question of nationality, and studies must be made on the right to vote and to stand for election of Hong Kong permanent residents who have moved to a foreign country (but might not have acquired foreign nationality).

## **Annex III Method for the Formation of the First Government and the First Legislative Council of the Hong Kong Special Administrative Region**

1. Within the year of 1996, the National People's Congress shall establish a Preparatory Committee of the Hong Kong Special Administrative Region, which shall be responsible for the preparations of the establishment of the region, and shall decide on the specific method for the formation of its first government. The preparatory

committee shall be composed of mainland members and of Hong Kong members who shall constitute not less than 50 percent. Its chairman and members shall be appointed by the Standing Committee of the National People's Congress.

2. The Preparatory Committee for the Hong Kong Special Administrative Region shall be responsible for preparing the establishment of the "Election Committee for the First Government of the Hong Kong Special Administrative Region."

"The Election Committee" shall be composed entirely of permanent residents of Hong Kong and must be broadly representative. It shall include deputies of the Hong Kong region to the National People's Congress of the People's Republic of China, Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference, experienced persons who have served in Hong Kong's administrative, legislative and advisory organizations before the establishment of the Hong Kong Special Administrative Region, as well as persons representative of all strata and sections of society.

The proportions of the composition of "the Election Committee" are tentatively proposed as follows:

Persons from business and financial circles	25%
Professionals	25%
Persons from labour, grass-roots and religious organizations	25%
Political figures of former times	20%
Deputies to the National People's Congress and members of the National Committee of the Chinese People's Political Consultative Conference	5%

3. "The Election Committee" shall formulate procedures and accordingly recommend the candidate for the first Chief Executive through local consultation or through local election after consultation, and report the recommended Chief Executive to the Central People's Government for appointment. The term of office of the first Chief Executive shall be the normal term.

4. The chief Executive of the Hong Kong Special Administrative Region shall be responsible for preparing the election of the first government of the region according to this Law.

5. The first (or provisional) legislature of the Hong Kong Special Administrative Region shall be elected by the "Election Committee." All members of the former Hong Kong Legislative Council can all be candidates for membership in the first (or provisional) legislature of the region.

The term of office of members of the first (or provisional) legislature of the Hong Kong Special Administrative Region shall be two years.

6. The first Chief Executive of the Hong Kong Special Administrative Region shall be sworn in to office on July 1, 1997. On July 1, 1997, the first government and legislature of the Hong Kong Special Administrative Region shall be inaugurated simultaneously.

#### Notes

1. The members proposed that a map showing the administrative boundaries of the Hong Kong Special Administrative Region be published by the State Council when the Basic Law is promulgated by the National People's Congress.

2. The proposal on the establishment of the Committee for the Basic Law of the Hong Kong Special Administrative Region put forward by the Sub-group on the Relationship between the Central Authorities and the Hong Kong Special Administrative Region reads as follows:

##### (1) Name

To be called tentatively the Committee for the Basic Law of the Hong Kong Special Administrative Region of the Standing Committee of the National People's Congress.

##### (2) Affiliation

To be a subordinate organ of the Standing Committee of the National People's Congress.

##### (3) Duties

To study and submit its views to the National People's Congress or its Standing Committee on the following question.

(a) Questions on whether laws enacted by the legislature of the Hong Kong Special Administrative Region are in conformity with the Basic Law and legal procedures (Article 16 of the Draft Basic Law for soliciting opinions);

(b) Questions relating to the applicability of nationwide laws in the Hong Kong Special Administrative Region (Article 17).

(c) Questions relating to the interpretation of the Basic Law (Article 169); and

(d) Questions relating to the amendment of the Basic Law (Article 170).

##### (4) Composition

To be composed of mainland members and Hong Kong members, including persons from the legal profession, appointed by the Standing Committee of the National People's Congress. The number of its members and the proportions of its composition remain to be determined.

3. The names of the different departments of the executive authorities of the Hong Kong Special Administrative Region shall tentatively be called:

1) The three main departments: the Department of Administration, the Department of Finance and the Department of Justice shall be called *si*, or department in English, and those heading them shall be called Administrative

Secretary, Financial Secretary and Secretary of Justice respectively.

2) Those departments with policy-making powers shall be called *ju*, or bureaus in English, such as the Bureau of Finance, the Bureau of Industry and Commerce, the Bureau of Transport, the Bureau of Education and Manpower and the Civil Service Bureau.

3) Those departments which carry out administrative duties and do not make policies shall be called *chu*, or divisions in English, such as the Police Division, the External Affairs Division and the Immigration Service Division.

4) Those departments whose work is relatively independent shall be called *shu*, or commissions in English, such as the Commission Against Corruption and the Commission of Audit.

4. The members held that in general, principal officials should be selected from among public servants. However, they can also be selected from among prominent members of society other than public servants. Principal officials of the latter type would be remunerated as public servants working on contract. They would leave the service on expiry of their terms of office. Transfers of principal officials and increase of officials of the secretary level must be reported to the Central People's Government for approval.

5. The members agreed that the English translation of (立法会议 "Lifa Huiyi") shall continue to be "LEGISLATIVE COUNCIL."

6. Whether or not members of the legislature should be required to resign after being appointed principal officials in the executive authorities remains to be studied.

7. "Judges" of the courts of the Hong Kong Special Administrative Region refers to judges of the district court or above. Other members of the judiciary include magistrates of magistrate courts and presiding officers at special tribunals. Other persons working in the judiciary are considered public servants.

8. The members held that if the present three-tier structure was retained, district boards should still be district consultative bodies.

## **A Collection of Opinions and Suggestions of Some Members in Regard to the Articles Drafted by Their Respective Special Subject Sub-groups.**

### **Chapter One**

#### **Article 2**

1. A member proposed the Article be revised as follows:

"The National People's Congress authorizes the Hong Kong Special Administrative Region to exercise a high degree of autonomy in accordance with the provisions of this Law. The power of supervision over the implementation of this Law shall be vested in the Standing Committee of the National People's Congress. Any executive, legislative or judicial act which exceeds the powers authorized by this Law may be declared null and void by the Standing Committee of the National People's Congress."

2. Another member proposed the following amendment: "Except for foreign affairs and defence which are the responsibility of the Central People's Government, the Hong Kong Special Administrative Region shall enjoy a high degree of autonomy."

#### **Article 10**

A member proposed that the last phrase of Paragraph 1 be revised to read: "shall be ultimately based on the provisions of this Law." And the second paragraph should become a separate article.

### **Chapter Two**

#### **Article 13**

A member proposed that there should be separated laws to deal with offenses committed by members of the garrison.

#### **Article 16 Paragraph 3**

1. A member proposed that the paragraph be revised to read: "If the Standing Committee of the National People's Congress, after consulting the Committee for the Basic Law of the Hong Kong Special Administrative Region, considers any law of the region not to be in conformity with this Law or legal procedures, it may refer the law in question to the Court of Final Appeal for its consideration. If the court considers this law or a part thereof not to be in conformity with this Law or legal procedures, it may declare that the law or part null and void, but the declaration shall not have retroactive effect."

2. A member proposed that the last clause of Paragraph 3 of Article 16 be amended to read: "This cessation shall not have retroactive effect except in criminal and constitutional cases."

#### **Article 17**

A member proposed that the article be amended to read: "The laws of the Hong Kong Special Administrative Region shall be this Law, the laws previously in force in Hong Kong as provided in Article 8 of the General Principles of this Law, and laws enacted by legislature of the region.

"Laws enacted by the National People's Congress or its Standing Committee shall not apply in the Hong Kong Special Administrative Region except for those relating to defence and foreign affairs and other matters which, according to the provisions of this Law, are outside the limits of the



high degree of autonomy of the Hong Kong Special Administrative Region.

"Whenever there is need to apply in the Hong Kong Special Administrative Region any of the above-mentioned laws concerning defence and foreign affairs, they shall be applied by way of legislation by the legislature of the region on the directives of the Standing Committee of the National People's Congress.

"Except in cases of emergency, the Standing Committee of the National People's Congress shall consult its Committee for the Basic Law of the Hong Kong Special Administrative Region and the government of the region before issuing the above-mentioned directives.

"If the legislature of the Hong Kong Special Administrative Region fails to act in compliance with the directives of the Standing Committee of the National People's Congress, the Standing Committee may promulgate and apply the above-mentioned law in the Hong Kong Special Administrative Region through the Chief Executive of the region.

"Apart from the laws concerning defence and foreign affairs as mentioned above, a few nationwide laws which give expression to national unity and territorial integrity (as listed in the appendix of this Law) shall be applicable in the Hong Kong Special Administrative Region."

#### **Article 18**

Some members put forward the following two alternatives:

#### **Alternative 1**

The courts of the Hong Kong Special Administrative Region shall continue to have jurisdiction over cases originally under the jurisdiction of courts in Hong Kong, except for those listed in the following Clauses (1) to (4):

(1) Cases relating to the relationship between the Central Authorities and the Hong Kong Special Administrative Region;

(2) Cases relating to the validity of executive acts (including defence and foreign affairs) of the Central Authorities;

(3) Cases relating to the validity of executive acts of the government of the Hong Kong Special Administrative Region in implementing, in accordance with the provisions of this Law, the directives of the Central Authorities concerning defence and foreign affairs; and

(4) Cases relating to the validity of those executive acts of the government of the Hong Kong Special Administrative Region in dealing with external affairs on its own as authorized by the Central Government and in accordance with the

provisions of this Law, which were deemed to be "acts of state" under the laws previously in force in Hong Kong, and cases relating to the contents of the executive acts which were deemed to be "facts of state" under the laws previously in force in Hong Kong.

The courts of the Hong Kong Special Administrative Region shall seek the advice of the Chief Executive when questions mentioned in Clauses (1) to (4) arise in any legal proceedings. A statement issued by the Chief Executive regarding the matter shall be binding on the courts.

Before issuing such a statement, the Chief Executive shall obtain a certificate from the Standing Committee of the National People's Congress or the State Council.

(Explanatory note: The types of cases listed in the Clauses (1) to (4) above are not suitable for a court under a local government to try, although the court enjoys power of final adjudication.)

#### **Alternative 2**

The courts of the Hong Kong Special Administrative Region shall have jurisdiction over all cases in the region, except that the restrictions of their jurisdiction imposed by Hong Kong's previous legal system and principles shall be maintained.

The courts of Hong Kong Special Administrative Region shall seek the advice of the Chief Executive in accordance with the principles and legal precedents of the common law when questions concerning foreign affairs and defence arise in any legal proceedings. A statement issued by the Chief Executive regarding such questions shall be binding on the courts.

Before issuing such a statement, the Chief Executive shall obtain a certificate from the Standing Committee of the National People's Congress or the State Council.

Regulations regarding the handling by courts of the Hong Kong Special Administrative Region of cases relating to organizations, organs or state power or their personnel of the People's Republic of China (including those mentioned in Articles 13 and 21 of Chapter 2), and regulations concerning compensations by organizations, organs or state power and the personnel concerned, shall be stipulated by the law of the region.

#### **Article 20**

A member proposed that the article be revised to read: "Chinese nationals holding identity cards as permanent residents of the Hong Kong Special Administrative Region are entitled to participate in the state affairs as prescribed by law. In accordance with the assigned number of seats and the election procedures specified by the Standing Committee of

the National People's Congress. Chinese nationals who are permanent residents of the region shall elect Chinese nationals of the same status to be deputies of the region to the National People's Congress.

"The deputies of the Hong Kong Special Administrative Region to the National People's Congress shall not interfere in the affairs which the region administers on its own in accordance with this Law."

### Chapter III

#### Article 24

A member proposed that the Article be revised to read: "Hong Kong residents shall be equal before the law. They shall not be subject to discrimination on grounds of nationality, race, ethnic origin, language, sex, occupation, religious belief, political views, educational level, or property status."

#### Article 25

Some members proposed that this Article be revised to read: "Permanent residents of the Hong Kong Special Administrative Region shall have the right to vote and the right to stand for election as prescribed by law."

#### Article 26

Some members proposed the adoption of the wording: "Hong Kong residents shall, in accordance with law, have:"

#### Article 29

A member proposed the deletion of "except in cases where, to meet the needs of public security or of investigation into criminal offenses,..." from the article. But after deliberation by the sub-group, the clause is retained.

#### Article 31

1. Some members proposed that a third paragraph be added to this Article: "No person shall be subject to discrimination or impairment of his/her civil rights on grounds of religious belief."

2. Some members proposed that the Article be rewritten as follows: "Residents of the Hong Kong Special Administrative Region shall have the right to freedom of thought, conscience and religion. These rights shall include the freedom to have or to adopt a religion or belief of one's choice, and freedom, either individually or in community with others and in public or private, to manifest one's religion or belief in worship, observance, practice and teaching."

#### Article 34

1. Some members proposed that the word "legitimate" as in "legitimate rights and interests" be deleted.

2. As to whether Hong Kong residents shall have the right to challenge in the Hong Kong courts

the actions of the offices of the Central Authorities and their personnel in Hong Kong, the Sub-group on the Fundamental Rights and Duties of the Residents proposed that provisions be made for it by the relevant sub-groups under the subject of jurisdiction.

#### Article 41

A member proposed that this Article be revised to read: "Persons in Hong Kong other than Hong Kong residents shall, in accordance with law, enjoy the rights and freedoms (except the right to vote and to stand for election) of Hong Kong residents prescribed in this Chapter." After deliberation the Sub-group on the Fundamental Rights and Duties of the Residents found apart from the right to vote and to stand for election, there are a few other rights, such as the rights to free entry into Hong Kong, which "other persons" cannot enjoy. The article thus remains unchanged.

### Chapter IV

#### Article 43

A member proposed that this Article be revised to read: "The Chief Executive of the Hong Kong Special Administrative Region is the head of the region and the head of the executive organs of the region, representing the region and lead its executive organs and shall be accountable to the Central People's Government, the Hong Kong Special Administrative Region, and the legislature of the region in accordance with the provisions of this Law."

#### Article 44

A member proposed that this Article be revised to read: "The Chief Executive of the Hong Kong Special Administrative Region shall be a Chinese national of no less than 40 years of age who is a permanent resident of the region, who has ordinarily resided in Hong Kong for 20 years and who, before assuming office, has resided in Hong Kong for a continuous period of 10 years."

#### Article 46

Some members held that the term of office of the Chief Executive should be considered in conjunction with the term of office of members of the legislature. The term of office for both should be four years, and the Chief Executive may serve two consecutive terms.

#### Article 47

Some members pointed out that the question of restrictions on the occupation of retired chief executives and principal officials has yet to be studied. A member proposed adding the following content to this Article: "The Chief Executive, on assuming office, must resign from all other positions with pay or remuneration."

#### **Article 48 Clause (1)**

Some members held that if government was understood in its broad sense this Clause should read: "to lead the executive authorities of the Hong Kong Special Administrative Region."

#### **Article 48 Clause (11)**

A member proposed that this Clause be revised to read: "To approve (or to disapprove) public officers appearing before committees under the legislature to testify or to give evidence with regard to matters relating to the navy, army or air force, the security of Hong Kong, or the responsibility of the Central People's Government over the administration of the Hong Kong Special Administrative Region."

#### **Article 48**

A member proposed that the following paragraph be added: "To exercise other powers, which are necessary and reasonable for carrying out his duties." Another member proposed that it be revised to read: "To exercise other powers prescribed in this Law."

#### **Article 52**

A member held that a Clause (4) should be added to this Article: "When vote of non-confidence is passed against the Chief Executive by a two-thirds majority of the members of the legislature." Another member held that if such a provision were to be included in the Article, it should specify that the Chief Executive could dissolve the legislature after its vote of non-confidence against him, but the Chief Executive would have to resign if the newly-elected legislature again cast a vote of non-confidence.

#### **Article 54**

A member did not agree to the establishment of an Executive Council.

#### **Article 55**

1. Some members held that to serve on the Executive Council members of the legislature had to be elected by the legislature and eminent members of the public required the endorsement of over half of the members of the legislature. Another member held that without an election by the legislature, members could not serve on the Executive Council.

2. As to the size of the Executive Council and whether there is a need for a proportion of its composition, a member held that the council should be composed entirely of principal officials; another member held that at least half of the membership of the council should be members of the legislature. Members agreed that no stipulations would be made for the time being pending further study.

#### **Article 58**

A member proposed that this Article be rewritten as follows: "The Chief Executive may

appoint or remove the Commissioner of Audit with the approval of the legislature of the Hong Kong Special Administrative Region. In discharging their functions in accordance with law, the Commissioner of Audit and the Commission of Audit under him shall not be subject to any restriction by way of directive or control of any person or organ."

#### **Article 60**

A member proposed that this Article be rewritten as follows: "Members of the executive authorities shall include: (1) The Chief Executive; (2) Principal officials nominated by the Chief Executive and appointed by the Central Government (officials corresponding to the secretary level); (3) Members of the Executive Council, including the Chief Executive and principal officials appointed by him."

#### **Article 62**

A member proposed adding a Clause (6): "Other powers which are necessary and reasonable for carrying out its duties in accordance with the provisions of this Law."

#### **Article 64**

Some members did not agree to the use of the colon after "accountable...in the following respects" on the ground that the scope of matters for which the executive authorities are accountable would be wider than that covered by this Article.

They propose that this article be revised to read: "The executive authorities of the Hong Kong Special Administrative Region must abide by the law and shall be accountable to the legislature of the region. They shall (1) implement laws passed by the legislature and already in force; (2) present regular reports on their work to the legislature; (3) be subject to supervision by the legislature; (4) answer questions raised by members of the legislature, and be subject to or assist in investigations by the legislature on special issues; and (5) obtain approval from the legislature for taxation and public expenditure, and be subject to supervision by the legislature in respect to public expenditure."

#### **Article 66**

Some members proposed that a second paragraph be added to this article: "The legislative power of the Hong Kong Special Administrative Region is vested in the legislature of the region." However, a member held that the wording should read "the legislative power of the Hong Kong Special Administrative Region is vested in the Hong Kong Special Administrative Region."

#### **Article 70**

Most members were in favour of Alternative 1; some members were in favour of Alternatives 2.

#### **Article 71 Clause (2)**

Some members believed that the agenda

should be decided on by the Chief Executive.

**Article 72 Clause (5)**

A member proposed that this Clause be revised to read: "To review and question the work of the executive authorities."

**Article 72 Clause (9)**

1. A member proposed that the legislature should be able to pass a vote of non-confidence with a two-thirds majority against the Chief Executive or any principal official on a motion jointly proposed by one-fourth of the members of the legislature, and it should report the non-confidence motion to the Central People's Government for the dismissal of the Chief Executive or the principal official concerned. But most members did not agree.

2. Some members believed that the proportions as prescribed by Clause (9) are too low, and the wording also contains some faults. They proposed rewriting the clause to read: "If over 50 percent of all the members of the legislature suspect the Chief Executive of being guilty of serious breach of law or dereliction of duty, a joint motion can be proposed to establish an independent investigating committee in accordance with law. This committee, headed by the Chief Justice of the Court of Final Appeal, shall be responsible for carrying out investigations and reporting its findings to the legislature. If the committee considers the evidence sufficient, the legislature may pass motion of impeachment with a three-fourths majority and report it to the Central People's Government."

**Article 72**

1. A member proposed the inclusion of the following Clause: "The legislature and its subordinate committees shall have the power to summon the persons concerned to appear before them to testify and give evidence."

2. A member proposed that a provision for the establishment of standing committees and ad hoc committees should be added to this Article. But another member held that such a provision should be covered by the standing orders of the legislature.

3. A member proposed adding a Clause (10) to this Article: "Other powers which are necessary and reasonable for carrying out its functions in accordance with the provisions of this Law."

**Article 73**

A member held that bills relating to public expenditure or public policies should be jointly proposed by no less than one-tenth of the members of the legislature, but that the prior written consent of the Chief Executive should not be required.

**Article 74**

Some members pointed out that the quorum for meetings of the legislature could be less than half but not less than one-third of its total members and

that it would not be easy to call a meeting if the quorum was set too high.

**Article 84**

A member proposed that after the phrase "free from any interference" in this Article, the following words should be added: "but subject to the supervision of the Standing Committee of the National People's Congress in regard to the question of whether the jurisdiction stipulated by this Law has been exceeded."

**Article 86**

A member proposed that the principles and rights mentioned in this Article should be specified in an appendix.

**Article 87**

1. A member pointed out that it was not desirable to have too many members in the independent commission and that its recommendations should be made with unanimity.

2. Some members pointed out that this Law should specifically provide for the independent finance of or special appropriation of funds for the judicial organs.

**Article 100**

1. A member suggested that it might not be necessary to exclude foreign nationals from consideration for the post of Deputy Director for Civil Service.

2. A member pointed out that whether the posts of the Commissioner of Immigration and Inspector General of Customs and Excise should be subject to restriction could be further considered, since these two posts were not ranked at Secretary level.

**Article 102**

A member proposed that the following be added at the end of this Article: "The government of the Hong Kong Special Administrative Region may develop and improve the above system in accordance with law and in the light of actual conditions, in order to raise the efficiency of work and the quality of public servants."

**Article 103**

A member proposed that this Article should be placed in the General Principles. Most members maintained that it should remain as Article 103 for the time being and that decision should be made after overall consideration by the general working sub-group.

**Chapter V****Article 105**

Some members held that Paragraph 2 could be omitted from the Basic Law.

**Article 107**

A member held that this Article could be omitted from the Basic Law.

### **Article 111**

1. A member proposed that the words "foreign currencies" should be inserted into this Article.

2. A member proposed that the word "commodity" should be added before the word "futures."

### **Article 135**

The Sub-group on Economy suggested that the question of what "foreign military aircraft" includes be restudied and made specific.

## **Chapter IX**

### **Article 169**

A member proposed that the article be revised as follows: "The power of interpretation of this Law is vested in the Standing Committee of the National People's Congress. The courts of the Hong Kong Special Administrative Region may interpret all the provisions of this Law.

"Regarding the provisions which are within the limits of the autonomy of the Hong Kong Special Administrative Region, the Standing Committee of the National People's Congress will grant full power to the courts of the region to interpret them when adjudicating cases.

"When the Standing Committee of the National People's Congress makes an interpretation of a provision of this Law which is outside the limits of the autonomy of the Hong Kong Special Administrative Region, the courts of the region, in applying such a provision, shall follow the interpretation of the Standing Committee. However, cases under adjudication and judgments previously rendered shall not be affected.

"The Standing Committee of the National People's Congress shall consult its Committee for the Basic Law of the Hong Kong Special Administrative Region before giving an interpretation of this Law.

"Provisions of Chapters 3, 4, 5, 6 and 10 are all within the limits of the autonomy of the Hong Kong Special Administrative Region. Whether the provisions of other Chapters are within the limits of the autonomy of the region may be decided by the courts of the region or by the Standing Committee of the National People's Congress. The Standing Committee will consult the Committee for the Basic Law of the Hong Kong Special Administrative Region before making a decision. The decision of the Standing Committee of the National People's Congress shall be final.

### **Article 170**

1. A member proposed that the Article be revised as follows: "The power of amendment of

this Law is vested in the National People's Congress.

"The right to propose amendments to this Law rests with the Standing Committee of the National People's Congress, the State Council and the Hong Kong Special Administrative Region. Amendment proposals from the region shall be submitted to the National People's Congress through the State Council after obtaining the consent of two-thirds of all the members of the legislature of the Hong Kong Special Administrative Region and the Chief Executive of the region.

"Before a proposal for an amendment to this Law is put on the agenda of the National People's Congress, the Committee for the Basic Law of the Hong Kong Special Administrative Region shall first study it and submit its views. No amendment to this Law shall contravene the established basic policies of the People's Republic of China regarding the Hong Kong as stated in the Preamble."

2. A member proposed that Paragraph 2 be revised as follows: "The right to propose amendments to this Law rests with the Standing Committee of the National People's Congress, the State Council and the Hong Kong Special Administrative Region. Amendment proposals from the region shall be submitted to the National People's Congress by the delegation of the region to the National People's Congress after obtaining the consent of two-thirds of the deputies of the region to the National People's Congress, and the Chief Executive of the region."

## **Chapter X**

### **Article 171**

The Sub-group on Political Structure put forward the following alternatives

1. A member proposed that Annex III be as follows:

(1) Before 1997, the Central Authorities shall form a preparatory committee composed of both Hong Kong and mainland members. An advisory group consisting of no less than 50 persons from various walks of life in Hong Kong, appointed by the preparatory committee shall, through local consultation, select the Chief Executive for appointment by the Central Authorities.

(2) The Chief Executive shall form the Executive Council and nominate the principal officials for appointment by the Central Authorities.

(3) The advisory board shall elect legislative members nominated by the Chief Executive in conjunction with the Executive Council to form a provisional Legislative Council.

(4) The term of office of all the members of the

first government shall not exceed three years. A regular government must be formed within three years in accordance with this Law.

**2. A member proposed that Annex III be as follows:**

The candidate for the first Chief Executive designate of the Hong Kong Special Administrative Region shall be selected through local consultation on December 1, 1996 in accordance with the method stated in Annex I. The selected candidate shall, upon the endorsement of the Central People's Government, become the first Chief Executive designate.

Before April 1, 1997 the first Chief Executive designate shall nominate candidates to be the perspective members of the first Executive Council.

The first Chief Executive designate shall, in conjunction with the perspective members of the first Executive Council, organize the "Preparatory Committee for the Formation of the First Government." At zero hour on July 1, 1997, the first Chief Executive, after being officially appointed by the Central People's Government, shall with the assistance of members of the first Executive Council, proclaim the formation of the first government of the Hong Kong Special Administrative Region and shall, as authorized by the Central Authorities, take over the administration of the region from the Standing Committee of the National People's Congress. Before the formation of the first legislature, a provisional legislature shall exercise provisional legislative power and may enact provisional ordinances if necessary.

(Explanatory note) The provisional legislature shall be elected by the electoral college locally in accordance with the method stated in the Annex. Members of the previous legislature who are relieved of their office on June 30, 1997 shall not be excluded from candidacy.

After the establishment of the first government of the Hong Kong Special Administrative Region, elections for the first district boards and the first Urban Council shall be held within 6 months in accordance with the method stated in the Annex; and the first legislature shall be elected and formed within 12 months in accordance with the method stated in Annex II

**Appendix I: Procedures for the Selection of the First Chief Executive Through Local Consultation by the Various Sectors in Hong Kong.**

After the promulgation of the Basic Law, the National People's Congress shall appoint no less

than 50 members to form a "Preparatory Committee for the Implementation of the Basic Law." The duties of the Committee will be diverse, including the drafting (by itself or by a subordinate special group), after consulting the various sectors, of the "consultation procedures" for review and approval by the National People's Congress.

On July 1, 1995, members of the "Preparatory Committee for the Implementation of the Basic Law" will elect from among themselves no less than 10 persons to form a "consultation committee" which shall organize open consultation in accordance with the "consultation procedures." Members of the "consultation committee" shall not be candidates for Chief Executive, nor shall they nominate or support any candidate for Chief Executive. The "consultation committee," responsible for promoting and supervising the consultations, shall be objective and impartial.

A candidate for the first Chief Executive designate shall be selected on December 1, 1996 for endorsement by the Central Authorities and be officially appointed as the Chief Executive on July 1, 1997.

**Appendix II: Method of Election of the First Legislature**

Electoral college - Half of the members of the legislature shall be elected by a broadly representative grand electoral college. No less than two-thirds of these shall be Chinese nationals.

Indirect election - One-fourth of the members of the legislature shall be elected from among members of the district boards and the Urban Council who are Chinese nationals.

Direct election by functional constituencies - One-fourth of the members of the legislature shall be directly elected by functional constituencies (the functional constituencies shall be registered as legal persons in accordance with local laws and shall be of Chinese nationality. Regardless of their own nationalities, members of the legislature who are directly elected by functional constituencies may, by virtue of the Chinese nationality of the functional constituencies to which they belong, exercise the civil rights of Chinese nationals during their term of office.)

3. Some members proposed that Annex III be as follows:

(1) The Standing Committee of the National People's Congress of the People's Republic of China shall appoint a "Preparatory Committee for the First Government of the Hong Kong Special Administrative Region." All the members of the

Committee shall be Chinese nationals, comprising mainland residents and Hong Kong permanent residents in equal number. The chairman of the committee shall be a member of the Standing Committee of the National People's Congress.

(2) The "Preparatory Committee for the First Government of the Hong Kong Special Administrative Region" shall entrust its Hong Kong members with the responsibility of forming an electoral college in the Hong Kong region which shall comprise representatives of the legislature and of district organizations prior to the establishment of the Hong Kong Special Administrative Region, representatives of corporate bodies and permanent non-corporate organizations, and representatives of various sectors of the community. The electoral college, which must be broadly representative, shall be called the "Electoral College for the First Government of the Hong Kong Special Administrative Region".

(3) The Electoral College for the First Government of the Hong Kong Special Administrative Region shall be responsible for drawing up the procedures for the selection of the first Chief Executive through consultation, or by election following nomination through consultation.

(The qualifications, powers, and functions of the Chief Executive shall be provided for in Chapter 4 of this Law.)

(4) The electoral college for the First Government of the Hong Kong Special Administrative Region shall be responsible for drawing up the procedures for the election of the first legislature. Members of the legislature before the establishment of the Hong Kong Special Administrative Region who meet the requirements of Chapter 4 of this Law may be elected as members of the first legislature.

(The qualifications, powers, and functions of the members of the legislature shall be provided for in Chapter 4 of this Law.)

(5) Government officials, public servants and members of the judiciary before the establishment of the Hong Kong Special Administrative Region who meet the requirements of this Law shall remain in employment in the first government.

(The composition, powers, and functions of the executive authorities shall be provided for in Chapter 4 of this Law.)

4. A member proposed that Article 171 be as follows:

The first government of the Hong Kong Special Administrative Region shall be established

according to the provisions of the Annex, "Method for the Formation of the First Government of the Hong Kong Special Administrative Region." The first Chief Executive and the members of the first legislature selected according to the provisions of this Annex shall be deemed to have been selected according to the provisions of Chapter 4 of this Law. But the term of office of the first Chief Executive shall expire six months after the expiry of term of office of the members of the first legislature.

### **Appendix: Method for the Formation of the First Government of the Hong Kong Special Administrative Region.**

1. Within the year of 1996, the Standing Committee of the National People's Congress shall establish a "Preparatory Committee for the First Government of Hong Kong Special Administrative Region." Members of the preparatory committee shall all be Chinese nationals among the permanent residents of Hong Kong, and the chairman shall be elected from among the members.

2. In the middle or at the end of 1996, the preparatory committee shall hold a general and direct election in Hong Kong in accordance with this Law to elect the Chief Executive designate.

On July 1, 1997, the Chief Executive designate shall be appointed by the Central People's Government and be officially sworn in to office.

3. Before July 1, 1997, the Chief Executive designate shall nominate the principal officials of the Hong Kong Special Administrative Region for appointment by the Central People's Government. All the principal officials shall be sworn in to office on July 1, 1997.

4. Persons who are members of the Hong Kong Legislative Council in June 1997 shall automatically become members of the first legislature of the Hong Kong Special Administrative Region on July 1, 1997 and serve to the end of their term. Except for the ceremony of pledging their loyalty to the Hong Kong Special Administrative Region, there shall be no particular arrangement.

5. Some members proposed that Article 171 be as follows:

"The first government of the Hong Kong Special Administrative Region shall be established through arrangements based on the principle of the sovereignty of the People's Republic of China and smooth transition for Hong Kong." The contents of the Annex to this Article shall not be stipulated for the time being. Decision shall be made after extensive consultation and detailed study.

## Harmonica Concert a Hit

The harmonica is a popular musical instrument in China. But many people think it is only a plaything and its music cannot appeal to refined taste. A recent harmonica concert held in the Beijing Concert Hall showed that this idea is far from the truth.

The programme included ancient, traditional and modern melodies as well as humorous folk tunes. The lively *Spring Festival Overture* was performed by an ensemble of 50 performers. Excellent, varied orchestral music was played by harmonicas to good effect.

The performers also played some famous foreign songs, as well as blues, dance music including waltz and polka, and overtures and opera selections. The symphonic music *Blue Rhapsody* and *The First Romanian Rhapsody*, played by a chromatic harmonica, vividly showed the performers' skills and was well received by the audience.

*Caprice for Harmonica*, composed by James Moody, was the only work in the programme that was created for harmonica. This was the required piece at the World Harmonica Championships held on Britain's Isle of Jersey several months ago. All three Chinese competitors won prizes at the championships.

### Winning Performers

All the performers at the concert have won national or international harmonica competitions in the past few years.

Ji Shen, a 35-year-old purchasing agent at Shanghai's Xinhong Electric Appliances Factory, won first prize at the 1986 national harmonica solo contest. Last year he took second prize at the contest

and won an honourable mention in the chromatic harmonica competition at the World Harmonica Championships in Britain. Ji began to play the harmonica as a child. When he entered middle school, he studied at his local children's palace. Later, the well-known harmonica player Shi Renwang became his teacher.

In 1981 Ching-pai Hwang, a famous Chinese-American harmonica expert, came to China to hold a two-week harmonica course at the invitation of the Chinese Musicians' Association. During the course more than 100 learners mastered the skill of playing the chromatic harmonica. This skill spread across the country and today China has a high level of harmonica skill.

Li Jian, 29, is a doctor of internal medicine. When he performed the overture *Orpheus aux Enfers* by Jacques Offenbach at the concert in Beijing, he used 10 different harmonicas. His playing vividly showed both the piece's variety and his great skill. Li is a member of the Shanghai Harmonica Players' Association, which is affiliated with the Shanghai Musicians' Association. The Shanghai Harmonica Players' Association has more than 100 members including students, factory workers, office workers, shop assistants, engineers, and people from other walks of life, most of them young.

Chen Jiancheng established the association as a sparetime performing troupe in 1936. The members practise together as an orchestra once a month and perform once a year. Chen, 76, conducts the orchestra. In 1981, it won the second prize at the International Harmonica Tape Competition in Japan for its performance of the northeastern

folk song *Victory Drum*.

At the Beijing concert two workers, He Jiayi and Xu Chenggang, performed some difficult pieces. Last autumn they performed at the first China Art Festival and then attended the World Harmonica Championships.

The song *The Sun Is Shining Over Tash Kurghan* is a violin solo with a difficult melody and fast pace. At the concert He Jiayi performed it on the harmonica with piano accompaniment, revealing his special artistic style.

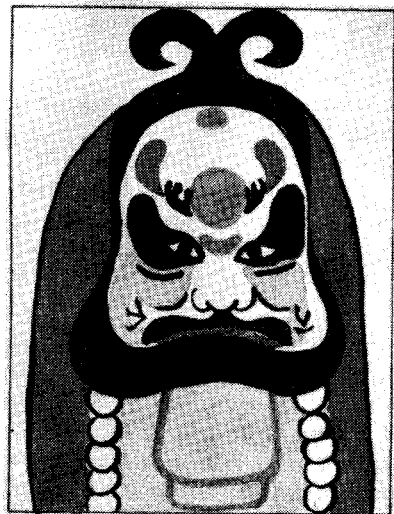
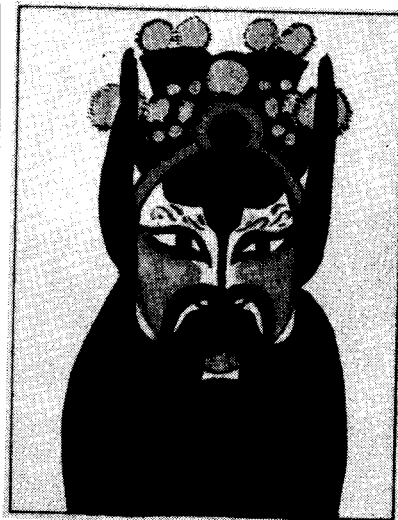
The orchestra of the Shanghai Harmonica Factory, a Tianjin harmonica group and several avid players from Lanzhou and Hubei Province also performed at the concert. The performers are hoping that a national harmonica festival will be held in China soon.

## Gallery Exhibits Opera Make-up Art

A cocky God of Wealth and eight men with painted faces and costumes decorated with gold and silver danced to the sounds of gongs and drums in the main hall of the China Art Gallery in Beijing. They were there to open an exhibition of opera facial make-up art, jointly sponsored by organizations including the Chinese Opera Institute and the Opera Research Institute under the China Art Academy.

The facial make-up of opera actors and actresses is a traditional art in China. Different colours illustrate various traits of opera characters. Red usually implies loyalty and justice; black, rashness and frankness; white, treachery and deceit; yellow, bravery and fierceness; green, tenacity and irritability; and gold and silver, the intelligence of gods, Buddhas and spirits.





Most of the exhibits were collected by the Opera Research Institute. They show the evolution of facial make-up art in Chinese opera. In the early stages, especially during the Han (206 BC-220 AD) and Tang (618-907) dynasties, the art was reflected in masks for singers and dancers. When opera appeared during the Song, Yuan and Ming dynasties (from the 10th to the 17th century), masks were replaced by the painted faces of actors and actresses. In the Qing Dynasty (1644-1911), the art of facial make-up in Beijing opera was fully developed. The charm of make-up

art lies in its intriguing creativity, magnificent colours and superb designs.

On display was a rare set of 50 examples of facial make-up for different roles in *Outlaws of the Marshes* painted on fans by Weng Ouhong 60 years ago. Weng, 80, is a well-known playwright. There was also a set of facial make-up collected by late Qi Rushan. Qi studied the life of Mei Lanfang, the master of Beijing opera, and wrote many books about it. Later, he went to Taiwan and published a book on the examples of facial make-up he had collected.

Some of the 3,000 items exhibited consisted of paintings, tapestries, pottery, porcelain, dough models, plates, match box covers, stamps and egg shells with facial make-up designs. Thus the traditional art can be appreciated in a variety of modern forms.

by Hong Lanxing

## Niu Weiyu: Photographer

To mark this year's International Working Women's Day, an exhibition of the work of Niu Weiyu, a famous woman photographer was held at the China Art Gallery. On view were 150 photographs reflecting China's history from the founding of the People's Republic to the 1980s.

Niu is now retired. From 1949 to 1986 she was a press photographer at the Xinhua News Agency. During this period, she travelled the length and breadth of China, witnessing many historical events and meeting people from all strata of society. Her tens of thousands of photos, which vividly reflect Chinese life, won honour for the press. Shi Shaohua, a famous Chinese photographer, called her "a drummer of our age."

A Tibetan Girl

NIU WEIYU



At the exhibition, her photos of historical figures were particularly eye-catching. Photos of Mao Zedong, Liu Shaoqi, Zhou Enlai, Zhu De and others accurately captured the Chinese leaders' manner and spirit as they led the Chinese people in socialist construction in the 1950s. The portrait of an outstanding oil worker, entitled *Iron Man Wang Jinxi in Daqing*, shows the Daqing people's pioneering spirit in opening up China's oil fields in the early 1960s. Portraits of famous writers including Guo Moruo, Mao Dun, Lao She and Cao Jinghua, and scientists Hua Luogeng, Wu Wenjun and Mao Yisheng convey a sense of their work and personality.

Also on view were many photos of famous women, including leaders Deng Yinchao, Cai Chang, He Xiangning, and Kang Keqing, writer Ding Ling and dramatist Sun Weishi. The photos *Woman Tractor Driver* and *A Dai Lass* show the life of labouring women.

Niu also seized the chance to capture important historical events. Photos such as *Beijing Women Celebrate Their First International Women's Day Since 1949* and *First Group of Woman Pilots in China* record the course of Chinese women's liberation. Her photos of the giant gathering in Tian An Men Square on April 5, 1976 express the Chinese people's indignation against the "gang of four."

Jiang Qisheng, a well-known critic of photography, believes that Niu's main strength is her portraits. Varied and colourful portraits reflect Niu's powers of observation, aesthetic judgement and technical skill.

In 1945, Niu graduated from Chinese People's Anti-Japanese Military and Political College. Although she had not attended any special course on photography in an institute of higher

learning, she was good at summing up her experience in photos. Her works have been exhibited in China many times. Some of them have been shown in France and the United States.

"It is very important for a photographer to be faithful to the truth," Niu says. "If a photographer tries only to please the public, he or she will not take good photos." Her words reflect 40 years of photographic experience. And she will clearly not change her ideas now.

by Zhang Wei

## Miners Enjoy Comic Talking

As the China Coal Mine Art Troupe celebrates its 40th anniversary, its *quyi* troupe, which does ballad singing, story telling, comic dialogues, clapper talks and cross talks, creates an evening party, entitled "spindrift of life."

The party adapts various cross-talking forms, including comic dialogues, dressing cross talk, cross talk between man and woman and cross talk sketch or drama, to attack the old ideas and social ideology.

After several performances in Beijing in March, which evoked warm responses from audiences, the troupe performed in the coal-producing city of Xuzhou.

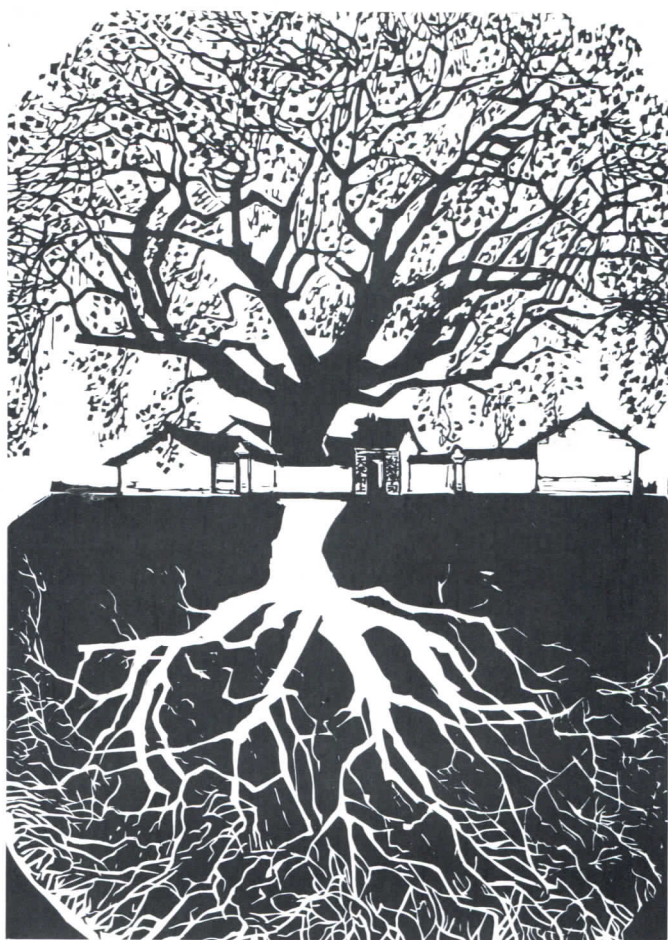
"To perform for Chinese miners has always been our tradition as the existence and development of the troupe depends on the miners and mines," said Ding Guangquan, the leading actor and the "party's" playwright.

The China Coal Mine Art Troupe was founded in 1947 at the revolutionary base area of Jixi in northeast China. The troupe, composed of more than 20 local youths, performed dozens of short programmes.

After the founding of the People's Republic of China, the troupe moved to Beijing and became known nationally.



Sound of spring.



A giant tree.



Two horses (illustration).

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## ART PAGE

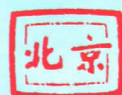
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### Woodcuts by Zhang Jianru

Zhang Jianru, born in 1933 in Yongji County, Shanxi Province, teaches at the Tianjin Academy of Fine Arts.

His works express deep feelings and are exquisitely composed. Some are simple and fresh like lyrics or sad melodies, while others imply an underlying philosophical outlook.

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