Law of the PRC on Garrisoning the Hong Kong Special Administrative Region

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Chapter I — General Provisions

Article 1 — This Law is enacted in accordance with the Constitution and the Basic Law of the Hong Kong Special Administrative Region for the purpose of ensuring the lawful stationing of the military forces of the People's Republic of China in the Hong Kong Special Administrative Region for defense purposes, and for the purpose of safeguarding the sovereignty, unity, and territorial integrity of the state and the security of the Hong Kong Special Administrative Region.

Article 2 — The military forces of the Central People's Government stationed in the Hong Kong Special Administrative Region for defense purposes shall be called the Hong Kong Garrison of the Chinese People's Liberation Army (hereinafter referred to as the Hong Kong Garrison). The Hong Kong Garrison shall be composed of personnel from the Army, Navy, and Air Force of the Chinese People's Liberation Army. The number of the Hong Kong Garrison shall be determined in accordance with the needs of the defense of the

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Hong Kong Special Administrative Region. The Hong Kong Garrison shall be subject to the direction of the Central Military Commission of the People's Republic of China. The personnel of the Hong Kong Garrison shall be rotated on a regular basis.

Article 3 — The Hong Kong Garrison shall not interfere in the local affairs of the Hong Kong Special Administrative Region. The Government of the Hong Kong Special Administrative Region may, when necessary, request the Central People's Government for assistance from the Hong Kong Garrison in the maintenance of public order and in disaster relief.

Article 4 — The Hong Kong Garrison shall abide by national laws as well as the laws of the Hong Kong Special Administrative Region. Members of the Hong Kong Garrison shall, in addition to abiding by national laws, also abide by the laws of the Hong Kong Special Administrative Region.

Article 5 — The expenditures of the Hong Kong Garrison shall be borne by the Central People's Government.

Chapter II — Duties and Discipline of the Hong Kong Garrison

Article 6 — The Hong Kong Garrison shall perform the following defense duties:

(1) preparing against and resisting aggression, and safeguarding the security of the Hong Kong Special Administrative Region;

(2) undertaking defense duties;

(3) administering military installations; and

(4) handling foreign-related military affairs. In time of war, the Hong Kong Garrison may, in addition to the duties specified above, perform other duties as assigned by the Central People's Government.

Article 7 — Military aircraft, naval vessels, and other military equipment of the Hong Kong Garrison, as well as materials and members of the Hong Kong Garrison on duty, shall be exempt from any form of inspection, search, or seizure by law enforcement officers of the Hong Kong Special Administrative Region. The Hong Kong Garrison and its members shall also enjoy other rights and immunities as prescribed by the laws of the Hong Kong Special Administrative Region.

Article 8 — Members of the Hong Kong Garrison may, in accordance with the provisions of the laws of the Hong Kong Special Administrative Region, take measures to stop any person who obstructs the performance of their official duties and shall, after stopping such person, immediately hand them over to the law enforcement organs of the Hong Kong Special Administrative Region for handling.

Chapter III — Relations Between the Hong Kong Garrison and the HKSAR Government

Article 9 — The Hong Kong Garrison shall not interfere in the local affairs of the Hong Kong Special Administrative Region.

Article 10 — The Government of the Hong Kong Special Administrative Region shall support the Hong Kong Garrison in the performance of its defense duties and shall protect the lawful rights and interests of the Hong Kong Garrison and its members. The Government of the Hong Kong Special Administrative Region shall, when necessary, consult the Hong Kong Garrison on matters pertaining to the defense duties of the Hong Kong Garrison.

Article 11 — The Hong Kong Garrison shall, in the conduct of its military activities, notify the Government of the Hong Kong Special Administrative Region in advance of matters involving a public nature in accordance with relevant provisions. The Government of the Hong Kong Special Administrative Region shall notify the Hong Kong Garrison of matters pertaining to the performance of defense duties by the Hong Kong Garrison.

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Article 12 — The Hong Kong Garrison and the Government of the Hong Kong Special Administrative Region shall jointly protect the military installations within the Hong Kong Special Administrative Region. The Hong Kong Garrison shall designate the military restricted zones in conjunction with the Government of the Hong Kong Special Administrative Region. The location of the military restricted zones shall not be altered without the consent of the Hong Kong Garrison. The Government of the Hong Kong Special Administrative Region shall protect the military restricted zones. The public security organs of the Hong Kong Special Administrative Region shall assist the Hong Kong Garrison in protecting the military restricted zones.

Article 13 — The land used by the Hong Kong Garrison shall be provided free of charge by the Government of the Hong Kong Special Administrative Region. The Hong Kong Garrison shall, in the use of military land, handle matters in accordance with the laws of the Hong Kong Special Administrative Region. After the land used by the Hong Kong Garrison is no longer needed for defense purposes, it shall be returned to the Government of the Hong Kong Special Administrative Region for disposal without compensation. If the Government of the Hong Kong Special Administrative Region needs part of the land used by the Hong Kong Garrison for public purposes, it shall consult the Hong Kong Garrison. The Hong Kong Garrison may, with the approval of the Central People's Government, agree to return part of the land used by it or exchange land for it. Any exchange of land shall be reported by the Central People's Government to the Standing Committee of the National People's Congress for record.

Article 14 — The Hong Kong Garrison shall assist the Government of the Hong Kong Special Administrative Region in the maintenance of public order and in disaster relief as requested by the Government of the Hong Kong Special Administrative Region and approved by the Central People's Government.

Article 15 — The Hong Kong Garrison and the Government of the Hong Kong Special Administrative Region shall, when necessary, establish a liaison mechanism for consultation on matters relating to the Hong Kong Garrison and to the protection of the security of the Hong Kong Special Administrative Region, and handle them in accordance with the relevant provisions.

Chapter IV — Obligations of and Discipline Concerning Members of the Hong Kong Garrison

Article 16 — Members of the Hong Kong Garrison shall fulfill the following obligations:

(1) being loyal to their duties and to the defense of the motherland, and protecting the security of the Hong Kong Special Administrative Region;

(2) abiding by national laws and the laws of the Hong Kong Special Administrative Region, and respecting the social customs and habits of the residents of the Hong Kong Special Administrative Region;

(3) complying with military discipline and observing the rules and regulations of the Hong Kong Garrison; and

(4) caring for the property of the Hong Kong Garrison and protecting state secrets.

Article 17 — Members of the Hong Kong Garrison shall not join any political organizations, religious organizations, or social organizations in the Hong Kong Special Administrative Region.

Article 18 — The Hong Kong Garrison and its members shall not engage in profit-making business activities. Members of the Hong Kong Garrison shall not engage in any other activities that are incompatible with the duties of military personnel.

Article 19 — Any member of the Hong Kong Garrison who violates national laws or the laws of the Hong Kong Special Administrative Region shall be subject to legal liability in accordance with law. Any member of the Hong Kong Garrison who violates military discipline shall be subject to disciplinary sanctions.

Chapter V — Judicial Jurisdiction Over the Hong Kong Garrison

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Article 20 — Criminal cases involving members of the Hong Kong Garrison shall be subject to the jurisdiction of the military courts, except for those crimes committed by members of the Hong Kong Garrison while not performing their official duties that infringe upon the personal rights or property rights of residents of the Hong Kong Special Administrative Region or other persons not belonging to the Hong Kong Garrison and that are committed outside the areas where the Hong Kong Garrison is stationed, which shall be subject to the jurisdiction of the courts and other relevant law enforcement organs of the Hong Kong Special Administrative Region. Where jurisdiction over criminal cases involving members of the Hong Kong Garrison is disputed between military courts and the courts and the relevant law enforcement organs of the Hong Kong Special Administrative Region, the dispute shall be resolved by the Supreme People's Court, which shall make a ruling upon the opinion of the Government of the Hong Kong Special Administrative Region.

Article 21 — Members of the Hong Kong Garrison who commit crimes falling under the jurisdiction of the courts of the Hong Kong Special Administrative Region may be detained or arrested in accordance with law by the law enforcement organs of the Hong Kong Special Administrative Region. The law enforcement organs of the Hong Kong Special Administrative Region shall, after detaining or arresting any member of the Hong Kong Garrison, hand over the detainee or arrestee to the Hong Kong Garrison for custody. A member of the Hong Kong Garrison who has been handed over to the Hong Kong Garrison for custody after being detained or arrested by the law enforcement organs of the Hong Kong Special Administrative Region shall be promptly notified to the law enforcement organs of the Hong Kong Special Administrative Region by the Hong Kong Garrison prior to a decision to transfer the case, hand over the person, or make any other disposition.

Article 22 — Members of the Hong Kong Garrison who are sentenced by a court of the Hong Kong Special Administrative Region to deprivation or restriction of personal freedom shall be transferred to a prison designated by the Hong Kong Garrison for the execution of the sentence in accordance with the relevant provisions of the laws of the Hong Kong Special Administrative Region.

Article 23 — The military courts shall, in exercising jurisdiction over criminal cases involving members of the Hong Kong Garrison, apply the national criminal law as well as the laws of the Hong Kong Special Administrative Region. The military courts shall be fair in the trial of cases involving members of the Hong Kong Garrison, and shall protect the lawful rights and interests of the parties in accordance with law. Judgments of the military courts shall be final.

Article 24 — Where any member of the Hong Kong Garrison, in violation of the laws of the Hong Kong Special Administrative Region, infringes upon the civil rights of any resident of the Hong Kong Special Administrative Region or any other person not belonging to the Hong Kong Garrison, the parties concerned may seek resolution through consultation or mediation. If the parties are unwilling or unable to resolve the matter through consultation or mediation, the aggrieved party may institute legal proceedings in a court of the Hong Kong Special Administrative Region. Where a member of the Hong Kong Garrison commits a tortious act while not performing official duties, the case shall be governed by the relevant laws of the Hong Kong Special Administrative Region regarding tort liability.

Article 25 — Where, in the performance of duties by the Hong Kong Garrison, any resident of the Hong Kong Special Administrative Region or any other person not belonging to the Hong Kong Garrison suffers damage to his person or property caused by the Hong Kong Garrison or its members, compensation shall be provided in accordance with the relevant provisions of the laws of the Hong Kong Special Administrative Region.

Chapter VI — Supplementary Provisions

Article 26 — Matters concerning the entry into, exit from, and stay in the Hong Kong Special Administrative Region by military personnel, military vehicles, military aircraft, military vessels, and military materials of the Hong Kong Garrison shall be handled in accordance with the relevant state regulations.

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Article 27 — The Government of the Hong Kong Special Administrative Region shall, when necessary, request the Hong Kong Garrison to provide information relating to the performance of its defense duties.

Article 28 — The Central People's Government of the People's Republic of China may, when necessary, consult the Government of the Hong Kong Special Administrative Region on matters concerning the Hong Kong Garrison, and the Government of the Hong Kong Special Administrative Region shall provide the necessary assistance.

Article 29 — The interpretation of this Law shall be vested in the Standing Committee of the National People's Congress.

Article 30 — This Law shall go into effect as of July 1, 1997.

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