

Hong Kong's Special Status

On July 1, 1997, Hong Kong reverts to China after 150 years of British rule. It will be known as a Special Administrative Region of the People's Republic of China. Details of the sovereignty transfer are laid down in the Sino-British Joint Declaration of 1984 and the Basic Law of 1990. The Basic Law, the constitution for the Territory promulgated by the Chinese National People's Congress, notes that under the principle of "one country two systems", the socialist system and policies will not be practiced in Hong Kong. The Basic Law grants considerable autonomy in economic, trade, cultural and political affairs for 50 years following 1997. As a Special Administrative Region, Hong Kong is to have independent finances and an independent taxation system. The Chinese Government is not to levy taxes and the region will continue to issue its own fully convertible currency. Hong Kong is to remain a free port and separate customs territory, with the ability to conduct relations with states and international organizations on the economy, money and finance, shipping, communications, tourism, culture and sports. Under the name Hong Kong, China, it will continue to be a member of the World Trade Organization, APEC and other international organizations where membership is not restricted to states. There is no indication that China intends to alter existing border controls on migrants.

Thus both the Joint Declaration and Basic Law support the law previously in force in Hong Kong. The common law, rules of equity and ordinances are all to be maintained except those which contravene the Basic Law. Other rights, including the right to private ownership of property, are protected.

The Preparatory Committee nominated by China in December 1995 is charged with establishing the new Special Administrative Region. Its main responsibilities include:

- appointing a committee of 400 Hong Kong electors to choose and nominate a new Chief Executive designate;
- identify those laws changed by the Hong Kong Government which are not in accord with the Basic Law to enable the provisional legislature to repeal or replace them, and to supervise the adaptation of laws to conform to the new sovereign; and
- to draft an electoral law.