

The Garrison Law

(Adopted at the 23rd Meeting of the Standing Committee of the Eighth National People's Congress on December 30 , 1996 and promulgated by Order No. 80 of the President of the People's Republic of China on December 30 , 1996)

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Contents

Chapter I General Provisions

Chapter II Duties of the Hong Kong Garrison

Chapter III Relationship between the Hong Kong Garrison and the Government of the Hong Kong Special Administrative Region

Chapter IV Obligations and Disciplines of Members of the Hong Kong Garrison

Chapter V Judicial Jurisdiction over Members of the Hong Kong Garrison

Chapter VI Supplementary Provisions

Chapter I General Provisions

Article 1 This Law is enacted in accordance with the Constitution and the Basic Law of the Hong Kong Administrative Region with a view to ensuring that the military forces stationed by the Central People's Government in the Hong Kong Special Administrative Region for defence shall perform its duties in accordance with law , and to upholding national sovereignty , unification , territorial integrity and Hong Kong's security.

Article 2 The military forces stationed by the Central People's Government in the Hong Kong Special Administrative Region for defence , composed of ground force , navy and air force of the People's Liberation Army of China , is called the military forces stationed in Hong Kong of the People's Liberation Army of China (hereinafter referred to as the Hong Kong Garrison) 。

Article 3 The Hong Kong Garrison is under the leadership of the Central Military Commission of the People's Republic of China , and the members of its staff are set in accordance with the demand of defence of the Hong Kong Special Administrative Region.

The Hong Kong Garrison adopts the system of personnel rotation.

Article 4 Expenditure for the Hong Kong Garrison shall be borne by the Central People's Government.

Chapter II Duties of the Hong Kong Garrison

Article 5 The Hong Kong Garrison performs the following duties :

(1) To guard against and to resist aggression , and to guarantee the security of the Hong Kong Special Administrative Region ;

(2) To shoulder the responsibility of defence and patrol duty ;

(3) To take charge of military installations ; and

(4) To undertake relevant foreign military affairs.

Article 6 In the event that the Standing Committee of the National People's Congress decides to declare a state of war or , by reason of turmoil within the Hong Kong Special Administrative Region which endangers national unity or security and is beyond the control of the Government of the Hong Kong Special Administrative Region, decides that the Region is in a state of emergency, the Hong Kong Garrison shall perform its duties in accordance with the provisions of national laws decided to be applied in the Hong Kong Special Administrative Region by the Central People's Government.

Article 7 The Hong Kong Garrison's aircraft , ships and other military equipment , goods and materials , and its members and vehicles on duty holding certificates or certifying papers issued by the Hong Kong Garrison , are free from any examinations , searches or detentions by executants of the Hong Kong Special Administrative Region.

The Hong Kong Garrison and its members equally enjoy other rights and immunity as prescribed in the laws applied in the Hong Kong Special Administrative Region.

Article 8 Members of the Hong Kong Garrison are entitled to take measures to stop any activities that hinder them from performing their duties in accordance with the provisions of laws applied in the Hong Kong Special Administrative Region.

Chapter III Relationship between the Hong Kong Garrison and the Government of the Hong Kong Special Administrative Region

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 to perform its duties of defence , and protect the legitimate rights and interests of the Hong Kong Garrison or of its members.

The Government of the Hong Kong Special Administrative Region shall solicit the Hong Kong Garrison's opinions when it makes policies or drafts bills involving the Hong Kong Garrison.

Article 11 The Hong Kong Garrison shall inform the Government of the Hong Kong Special Administrative Region in advance if it will conduct military activities such as training or man oeuvres involving public interests of the Hong Kong Special Administrative Region.

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 defines military forbidden zones jointly with the Government of the Hong Kong Special Administrative Region. The location and scope of military forbidden zones shall be announced by the Government of the Hong Kong Special Administrative Region.

The Government of the Hong Kong Special Administrative Region shall assist the Hong Kong Garrison in safeguarding the security of the military forbidden zones.

Persons , vehicles , ships and aircraft outside the Hong Kong Garrison shall not enter into military forbidden zones without approval by the highest commander of the Hong Kong Garrison or by the officer authorized by the commander. The guards of the military forbidden zones have the power to stop the unauthorized entries into the military forbidden zones and destruction or endangerment of the military installations.

The Hong Kong Garrison shall protect the natural resources , the cultural relics , the historic sites and non-military rights and interests within the military forbidden zones in accordance with the laws of the Hong Kong Special Administrative Region.

Article 13 The Hong Kong Garrison's military land , if it will not be used any longer for military purpose with approval by the Central People's Government , shall be transferred gratis to the Government of the Hong Kong Special Administrative Region.

If it needs part of the Hong Kong Garrison's military land to be used for public purpose , the Government of the Hong Kong Special Administrative Region shall apply to the Central People's Government for approval ; and if it gets such approval , the Government of the Hong Kong Special Administrative Region shall anew provide land and military installations for the Hong Kong Garrison in the place consented by the Central People's Government , and all the expenses shall be borne by the Government of the Hong Kong Special Administrative Region.

Article 14 In accordance with the provisions of the Basic Law of the Hong Kong Special Administrative Region , the Government of the Hong Kong Special Administrative Region may , when necessary , ask the Central People's Government for assistance from the Hong Kong Garrison in the maintenance of public order and in disaster relief.

In the event that the application of the Government of the Hong Kong Special Administrative Region has been approved by the Central People's Government , the Hong Kong Garrison shall send out troops to carry out the task Of assistance in maintenance of public order and in disaster relief according to the order from the Central Military Commission , and the troops shall immediately return to their station after the task has been accomplished.

When it conducts assistance in maintenance of public order and in disaster relief, the Hong Kong Garrison shall be under the command of the Garrison's highest commander or the officer authorized by the commander with the arrangements made by the Government of the Hong Kong Special Administrative Region.

Members of the Hong Kong Garrison exercise the powers as prescribed in the laws of the Hong Kong Special Administrative Region when they conduct assistance in maintenance of public order and in disaster relief.

Article 15 The Hong Kong Garrison and the Government of the Hong Kong Special Administrative Region shall establish necessary contact to consult about and to deal with matters relating to the Garrison.

Chapter IV Obligations and Disciplines of Members of the Hong Kong Garrison

Article 16 Members of the Hong Kong Garrison should fulfil the following obligations :

(1) To be loyal to the motherland , to perform duties , to safeguard the security , honour and interests of the motherland , and to safeguard the security of Hong Kong ;

(2) To abide by the national laws and the laws of the Hong Kong Special Administrative Region and to abide by the military disciplines ;

(3) To respect the authorities of the Hong Kong Special Administrative Region and to respect the social system and life style of the Hong Kong Special Administrative Region ;

(4) To protect the public property owned by the Hong Kong Special Administrative Region , and the private property owned by residents or other persons in Hong Kong ; and

(5) To observe social ethics and to pay attention to civilized and polite manners.

Article 17 Members of the Hong Kong Garrison shall not join any political organizations , religious organizations and public organizations of Hong Kong.

Article 18 The Hong Kong Garrison and its members shall not engage in any profit-seeking management activities in any forms. And members of the Hong Kong Garrison shall not engage in any other activities unconformable to a soldier's duties.

Article 19 Members of the Hong Kong Garrison who violate the national laws and the laws of the Hong Kong Special Administrative Region shall be investigated for legal responsibility in accordance with law.

Members of the Hong Kong Garrison who violate the military disciplines shall be subjected to disciplinary sanctions.

Chapter V Judicial Jurisdiction over Members of the Hong Kong Garrison

Article 20 Cases involving crimes committed by members of the Hong Kong Garrison shall be under the jurisdiction of a military judicial organ. However , cases involving crimes caused by the activities outside the performance of functions of members of the Hong Kong Garrison which have infringed upon personal rights and property rights of residents of Hong Kong or of other persons other than members of the Hong Kong Garrison or , which have violated the laws of the Hong Kong Administrative Region , shall be under the jurisdiction of a court or a relevant law enforcement agency of the Hong Kong Special Administrative Region.

The military judicial organ and the court or relevant law enforcement agency of the Hong Kong Special Administrative Region may , if they think it more appropriate for the other side to have jurisdiction over the case involving a crime committed by members of the Hong Kong Garrison over which they respectively have jurisdiction , transfer the case to the other side after an agreement has been achieved through consultations.

Residents of Hong Kong or other persons other than members of the Hong Kong Garrison among accused persons of the cases involving crimes committed by members of the Hong Kong Garrison which are under the jurisdiction of the military judicial organ shall be tried by a court of the Hong Kong Special Administrative Region.

Article 21 If the personnel suspected to have committed a crime is arrested by law enforcement officials of the Hong Kong Special Administrative Region , and if he is found out to be a member of the Hong Kong Garrison , the Personnel shall be transferred to the Hong Kong Garrison for custody. The case relating to the personnel in custody shall be under jurisdiction determined in accordance with the provisions in Article 20 of this Law.

Article 22 The members of the Hong Kong Garrison sentenced to criminal penalty of deprivation or restriction of freedom by a court of the Hong Kong Special Administrative Region , shall be submitted for execution in accordance with the provisions of the laws of the Hong Kong Special Administrative Region , except in circumstances where the relevant law enforcement agency of the Hong Kong Special Administrative Region and the military judicial organ have achieved an agreement on the place of execution through consultations.

Article 23 If a member of the Hong Kong Garrison violates the laws of the Hong Kong Special Administrative Region , and infringes upon civil right of a resident of Hong Kong or another person other than members of the Hong Kong Garrison , the parties concerned may settle the dispute through consultation or by mediation ; if they do not wish to or fail to settle the dispute through consultation or by mediation , the party whose right is infringed upon may file a suit in a court. Civil cases involving infringement arising from activities outside the performance of functions of members of the Hong Kong Garrison shall be under the jurisdiction of a court of the Hong Kong Special Administrative Region ; civil cases involving infringement arising from

the performance of functions shall be under the jurisdiction of the Supreme People's Court of the People's Republic of China , and the laws of the Hong Kong Special Administrative Region shall apply to the claim for damages of infringement of right.

Article 24 Where an organ or a unit of the Hong Kong Garrison has a contract dispute with a resident of Hong Kong or another person other than members of the Hong Kong Garrison in the Hong Kong Special Administrative Region , the parties concerned may settle the dispute through consultation or by mediation. If the parties concerned do not wish to or fail to settle their dispute through consultation or by mediation , they may apply for arbitration in an arbitration agency in accordance with the arbitration clause in the contract concerned or with the written arbitration agreement reached subsequently. If the parties have not had an arbitration clause in the contract concerned or have not subsequently reached a written arbitration agreement , they may bring an action in a court of the Hong Kong Special Administrative Region , except the parties have an agreement on another court in which they shall bring an action.

Article 25 During the period of legal action in a court of the Hong Kong Special Administrative Region , certifying paper from the Hong Kong Garrison on questions of fact such as status of a member of the Hong Kong Garrison or performance of duties is valid evidence , except contrary evidence is tenable.

Article 26 Acts of state by the Hong Kong Garrison such as defence shall not be under the jurisdiction of the courts of the Hong Kong Special Administrative Region.

Article 27 If a judgment or an order in writing made by a court of the Hong Kong Special Administrative Region.

Article 27 If a judgment or an order in writing made by a court of the Hong Kong Special Administrative Region involves execution of property of an organ or a unit of the Hong Kong Garrison , the organ or unit shall carry out the judgment or order in writing. However , any court of the Hong Kong Special Administrative

Region shall not take any enforcement measures towards the weapons and equipment , goods and materials , and other property owned by the Hong Kong Garrison.

Article 28 Through consultations , a military judicial organ may maintain judicial relations with the courts of the Hong Kong Special Administrative Region and relevant law enforcement agencies , and they may render assistance to each other.

Chapter VI Supplementary Provisions

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

Article 30 This Law shall come into effect on July 1 , 1997