

### LCQ13: Freedom of religious belief

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Following is a question by the Hon Leung Yiu-chung and a written reply by the Secretary for Home Affairs, Mr Tsang Tak-sing, in the Legislative Council today (April 9):

Question:

Article 141 of the Basic Law stipulates that the Government of the Hong Kong Special Administrative Region shall not restrict the freedom of religious belief. However, I have received complaints alleging that some existing government measures may give rise to discrimination against Hong Kong residents of other races because of their religion (e.g. under the Financial Assistance Scheme for Post-secondary Students of the Student Financial Assistance Agency, students who repay grants by instalments have to pay interest, students who practise Islam are therefore unable to apply for such assistance). Those complaints also allege that as the food provided by the Hospital Authority to in-patients of public hospitals have not been religiously "sanctified", in-patients who are Muslims are unable to take such food; the Sikhs residing in Hong Kong very often become the target of police officers' stop-and-search actions because of their religious attire, and their children are also ill-treated at school. In addition, some religions also lack places for assembly or worship. In this connection, will the Government inform this Council:

a) whether it has formulated guidelines requiring staff of various government departments to enhance their knowledge of and sensitivity to the cultures of major religions (including Catholicism, Christianity, Buddhism, Taoism, Islam and Sikhism, etc.); if it has, of the details; if not, the reasons for that;

b) whether the authorities had consulted different religious groups in the past three years to gauge their views on government measures, if so, of the details; if not, the reasons for that;

c) of the respective actions taken in the past three years by various government departments in the light of different religious cultures in order to prevent members of the public from being discriminated against or not being able to enjoy public services and welfare due to their religious belief; and whether it will comprehensively review existing government measures in order to prevent such situations; if it will, of the details; if not, the reasons for that; and

d) whether currently, the Government will, in the process of town planning, provide suitable complementary facilities (such as granting land and subsidies to various religious groups to build suitable venues for various types of religious activities) in response to the religious needs of members of the public; if it will, of the details; if not, the reasons for that?

Reply:

Madam President,

The Administration's reply to the respective parts of the question is set out below:

(a)&(c) The right to freedom of religious belief is protected under Article 32 of the Basic Law and in Article 15 of the Hong Kong Bill of Rights. When formulating policies and providing public services, all bureaux/departments are required to treat all members of the public on an equal basis regardless of their religious belief. For example, the Education Bureau has issued a circular to remind all schools that, in formulating and revising their school policies, they should observe the principle of equal opportunities and avoid any form of discrimination. The Education Bureau has also advised that all eligible students, regardless of their religion, may apply for the Financial Assistance Scheme for Post-secondary Students to assist them in pursuing accredited, self-financing post-secondary education programmes;

b) In general, Government would seek the views of relevant stakeholders, including organisations or individuals affected, on any proposed measures to enhance public understanding and the quality of these measures. The religious background of an organisation or an individual per se is normally not a consideration when Government conducts any such consultation exercise. This notwithstanding, religious groups, like any members of the public, can put forward their views on government measures/proposals to relevant bureaux/departments; and

d) When planning the land uses of an area, Government would designate suitable sites as "Government, Institution or Community" (G/IC) sites for the provision of Government, institution or community facilities. Subject to competing demands and the specific restrictions of the sites concerned, religious facilities may be developed in a G/IC site. A religious organisation may also apply to the Town Planning Board to develop religious facilities in sites zoned for other purposes in accordance with

requirements set out in the Town Planning Ordinance. For any grant of land by private treaty for use as places of worship, a concessionary premium will be charged if the applicant is a bona fide religious organisation and a charitable organisation registered under section 88 of the Inland Revenue Ordinance.

Apart from the above, religious organisations may hold gatherings in premises in commercial buildings or commercial cum residential buildings as long as such activities do not breach the land lease. Religious organisations may also apply to use facilities at Community Halls/Community Centres under the Home Affairs Department or facilities under the Leisure and Cultural Services Department to hold gatherings as long as the relevant eligibility criteria and conditions of use governing the use of the relevant venues are met.

Ends/Wednesday, April 9, 2008