

UN75 Dialogue
聯合國75週年對話

May 31st 2020, 3:00 pm (GMT+8)

SUNDAY , 31st MAY

Sustainable Governance with Trust and Support :

Hong Kong's Constitutional Order & Its Implementation

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One Country, Two Systems



One Country and Two Systems

Purposes:

1. To ensure the smooth transition of Hong Kong from British rule to reunification with China;
2. To maintain the prosperity and stability of Hong Kong upon its reunification with the motherland ([Preamble of BL](#))
3. To preserve the previous capitalist system and way of life of the Hong Kong people; ([BL 5](#))

The sustainability of Governance depends on an acceptable constitutional order. The concept of ‘One Country, Two Systems’ was at all times and is accepted by the majority of the people in Hong Kong as the best solution for the reunification of Hong Kong with China.



New Constitutional Order

1. Hong Kong is an inalienable part of China, directly under CPG
(BL 1 & 12)
2. NPC authorizes HKSAR to exercise a high degree of autonomy, enjoying executive, legislative and independent judicial power
(BL 2)
3. HK people governing HK (executive authorities & legislature)
(BL3)
4. Previous systems and policies (except as provided in the Basic Law) shall remain unchanged.
(BL 5, 8 & 11)

New Constitutional Order

5. Basic Policies of PRC towards Hong Kong shall remain unchanged for 50 years
6. Basic Law sets out the general principles, the relationship between Hong Kong and the Central People's Government, the fundamental rights & duties of Hong Kong citizens, the political structure, economic policies, education, science, culture, sports, religion, labour and social policies, external affairs, interpretation and amendment of the Basic Law and supplementary provisions.

Some Misunderstandings of Our Constitutional Order

1. Hong Kong is a city state with full autonomy.
2. Central People's Government has no powers in Hong Kong except defence and foreign affairs.
3. The Constitution of the PRC does not apply to Hong Kong and the Basic Law is the only constitutional instrument of Hong Kong.
4. Fifty years unchanged means Hong Kong should remain as it was on 30 June, 1997.
5. Power of interpretation changes the Basic Law and can only be exercised if referred to the NPCSC by a Hong Kong court.





Corrections

1. Hong Kong's high degree of autonomy is confined to those authorities delegated to it by NPC and set out in the Basic Law. All other powers belong to the sovereign. Hong Kong is a Special Administrative Region directly under the CPG which has complete governance over it.
2. Apart from defence and foreign affairs, other powers are reserved to the CPG: e.g. powers of appointment of the CE and POs, to scrutinize legislation passed by Hong Kong legislature, the application of national laws for matters outside the autonomy of Hong Kong, a role in the political development of Hong Kong, interpretation and amendment of the Basic Law etc.

Corrections (continues)

3. The Constitution is the supreme law and no law can contravene the Constitution. It applies to the whole territory. The Basic Law is the specific law applicable to Hong Kong and when there is difference between the two, then the Basic Law applies.
4. Fifty years unchanged means the basic policies of the PRC towards Hong Kong as set out in Annex 1 to the Sino British Joint Declaration shall not be changed, but the implementation of such policies may of course be changed, in particular when it allows for the beneficial development of Hong Kong.
5. Interpretative power of the NPCSC may clarify and supplement the legislative intent of the Basic Law and cannot amend the law. It may be exercised on NPCSC's initiative, by the State Council as well as by the Hong Kong Court in accordance with BL 158(3). It resolves any conflict of law between the two legal systems and ensures the correct interpretation of the Basic Law.





Trust & Support Necessary for Sustainable Governance



Trust & Support Necessary for Sustainable Governance

With a stable constitutional structure, Hong Kong achieved:

1. A seamless transition;
2. Prosperity, stability & capitalist system maintained;
3. Lifestyle unchanged – fundamental rights and freedoms protected;
4. Rule of Law robust, judicial independence maintained;
5. Gradual democratic development;
6. External affairs continue to develop and expand.



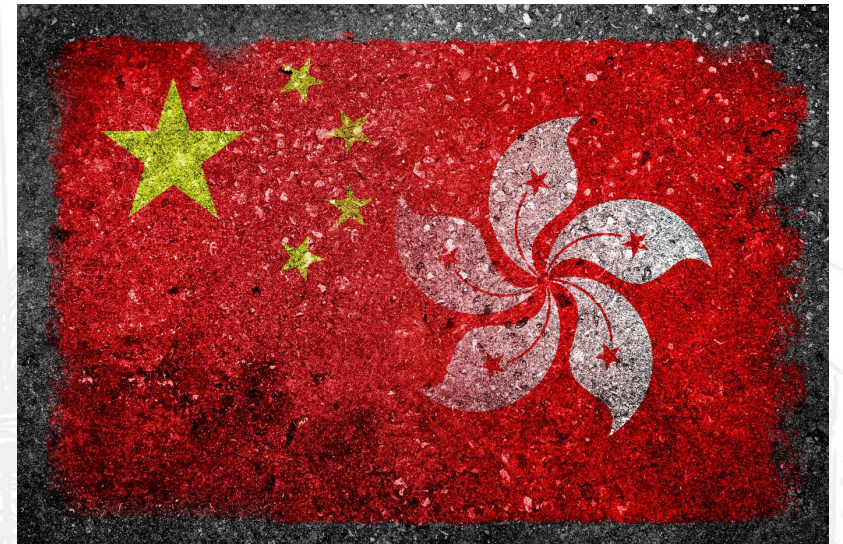
What Happened in the **Early Summer of 2019**

1. Government proposed to amend the Fugitive Offenders Ordinance to include rendition of offenders to Mainland China and Taiwan which aroused large scale demonstrations.
2. Many people experienced or inherited unfavourable memories from communist rule which went through a tortuous road in the early years of the establishment of the PRC in particular in law enforcement. They do not see the progress China has made in the past 40 years in their prosecutorial and judicial systems.
3. Subversive elements made use of the fragile public sentiments and demonized the Amendment Bill, causing in riots and disturbances. There is evidence that such subversive elements were also supported or instigated by foreign influences. Economy and livelihood of the people were seriously affected. Rule of law challenged.
4. Hardly has COVID-19 been under control, they recently resumed such riotous and terrorist activities, aiming at the secession of Hong Kong from China and the total destruction of our future. National security endangered.



Causes of the Sudden Turn

1. One Country, Two Systems is a new concept in governance which both the CPG and HKSAR and both must learn from experience to implement correctly.
2. Insufficient efforts were made to promote national identity and acceptance of the sovereign upon reunification of Hong Kong with Mainland China.
3. Like many other countries, there are long term livelihood issues that need to be resolved.
4. Subversive elements take advantage of freedoms and rights to mislead Hong Kong people particularly young people into riotous acts, to subvert the government and attack law enforcement bodies, using scaremongering tactics through extensive social and other media infiltration.
5. Foreign powers' influences and intervention.



Turning a **New Page**

1. Improving legislation and enforcement mechanisms in protecting national security are important for the return to law and order.
2. Dr. C H Leong will show you how we fight COVID-19 which fortifies my belief that trust and support are necessary for sustainable governance.
3. Dr. Herman Hu will talk about the ways to Turn a New Page.

Conclusion: Full confidence that given the trust and support of citizens, united under the banner of One Country, Two Systems, we shall survive the challenges facing Hong Kong and come out stronger than before.





THANK YOU.