

The Constitution Day Series

The Constitution: the Root and Origin of the Basic Law and “One Country, Two Systems”

It has been over 23 years since Hong Kong returned to Chinese sovereignty. Yet very few people in Hong Kong, let alone the international community, are aware of and understand the relationship between the Constitution of the People’s Republic of China and the Basic Law of the Hong Kong Special Administrative Region (HKSAR) as well as the Constitution’s importance for Hong Kong.

The time is long overdue for us to grasp this key issue so that we can correctly understand the relationship between our country and Hong Kong as well as the inherent importance of “one country” vis-à-vis “two systems”.

The Constitution is the fundamental law of the state and the general guidelines for administering state affairs. It enjoys supreme legal status and has the highest legal authority and legal effect. It establishes the basic principles of the country’s legal system and expressly provides for the policy of law-based governance. The Constitution has also facilitated the country’s reform, opening up and modernisation, promoted the development of the rule of law and steered our country’s rapid development to become the world’s second largest economy in the 21st century.

December 4 marks the National Constitution Day and 2020 marks the 30th anniversary of the promulgation of the Basic Law. I would like to take this opportunity to elaborate once again the relations between the Constitution and the Basic Law. The Constitution provides legislative backing for the Basic Law. The Constitution is the root and origin of the Basic Law, without which the Basic Law and the HKSAR would not have existed. The Constitution has also provided the legal protection and constitutional basis for the implementation of “one country, two systems” in the HKSAR, thus playing a key and fundamental role in maintaining our long-term prosperity and stability.

The “Proposals for Formulating the 14th Five-Year Plan for National Economic and Social Development and the Long-Range Objectives through the Year 2035” promulgated by the Central Government in November clearly states that it is imperative to fully and accurately implement the policies of “one country, two systems”, “Hong Kong people administering Hong Kong” and a high degree of autonomy; govern Hong Kong in strict accordance with the law; and safeguard the constitutional order of the HKSAR established by the Constitution and the Basic Law. We should have a full and correct understanding of the relations between “one country” and “two systems”, support the central authority and safeguard the high degree of autonomy being enjoyed by the HKSAR. We should make the best use of the advantages of “two systems” under “one country” to actively integrate into national development, including participating in the development of the Guangdong-Hong Kong-Macao Greater Bay Area and playing a key role in the international collaborative efforts under the Belt and Road Initiative. We should seize the opportunities brought about by the development of the country and capitalise on Hong Kong’s strengths to serve the country’s needs, providing a win-win situation for all.

Each and every member of the public should respect and gain a deep and accurate understanding of the Constitution and the Basic Law. Since 2017, the HKSAR has organised an annual seminar on December 4. Distinguished experts spoke on the development of the Constitution and related issues to promote the Constitution and the Basic Law to the public and advocate the learning and understanding of the Constitution in the community and schools.

Safeguarding national sovereignty, security and development interests is the primary objective of the policy of “one country, two systems” and the constitutional responsibility of the HKSAR. Adopted by the 13th NPCSC in June 2020, the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region has restored stability in Hong Kong. Organised by the HKSAR Government with the support of the Liaison Office of the Central People’s Government in the HKSAR and the Endeavour Education Centre, this year’s Constitution Day seminar will be held under the theme of “The Constitution and National Security”. Professor CHEN Duanhong of Peking University Law School will be the keynote speaker, and experts of

the Constitution and the Basic Law will also discuss from different perspectives the close relations among the Constitution, Basic Law and safeguarding national security. The seminar will be broadcast live through the Internet. I sincerely invite members of the public to watch the webcast.

The HKSAR Government has enhanced promotional and educational activities for the National Constitution Day. For instance, schools are encouraged to arrange students to take part in the 2020 National Constitution Day Online Competition and watch the webcast of the seminar from home, with a view to enhancing their understanding of the Constitution and the Basic Law and strengthening their national sense and national identity. A dedicated webpage on the National Constitution Day set up by the Constitutional and Mainland Affairs Bureau provides the public with relevant resources to facilitate continuous learning.

The Constitution has not only established the constitutional order of our country, but also formed the cornerstone of Hong Kong's prosperity and long-term stability. On the National Constitution Day, I hope that members of the public can learn more deeply and accurately about the importance of the Constitution and explore what the HKSAR can do to scale new heights in the implementation of "one country, two systems".

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