



School of Law

香港城市大學  
City University of Hong Kong

[www.cityu.edu.hk](http://www.cityu.edu.hk)

## **Symposium on the Power of Standing Committee of the National People's Congress (NPCSC) over the Hong Kong Special Administrative Region (HKSAR) with Special Reference to “the Co-location Case”**

April 26, 2019

*Julian Fung*

The Symposium on the Power of Standing Committee of the National People's Congress (NPCSC) over the Hong Kong Special Administrative Region (HKSAR) with Special Reference to “the Co-location Case”, funded by the Basic Law of Hong Kong Implementation Research Project of the City University of Hong Kong, were held on April 26, 2019 at the School of Law Conference Room.



The “three-step” arrangement on “the Co-location Case”, and the relevant decisions of the NPCSC and the judgment of "the Co-location Case" put forward a series of practical and theoretical issues concerning the implementation of the Basic Law in Hong Kong. This formed the background to the symposium. The symposium was divided into two major parts. With the first part mainly focused on the decision-making power of the NPCSC over the HKSAR, while the second part focused on the related legal issues arising from the implementation of “the Co-location Case”. The symposium was fortunate enough to invite legal and policy experts from China, Hong Kong and Macau to express their academic views on the policy issues involved, especially with the opportunity to invite legal expert witnesses to present their professional opinions both for and against the issues involved.



The first part of the symposium was chaired by **Professor Zhu Guobin** (City University of Hong Kong). **Professor Zhu** started off by elaborating on the background of the “Co-location Case”, the issues to be discussed at the meeting, and a warm welcoming to all the speakers, invited guests and attendees. Afterwards, the speakers began to give their speeches. **Dr. Xia Yin** (Chongqing University) talked about the legal effect and significance of the decision of the People's Congress on "the Co-location Case". Then, **Dr. Huang Mingtao** (Wuhan University) elaborated on the definition of the NPCSC’s “decision power” and the self-sufficiency on the Basic Law of the Hong Kong. Followed by **Dr. Fu Jing** (Zhongnan University), who discussed the functions and boundaries of the power exercise of the NPCSC, and finally, **Professor Ye Haibo** (Shenzhen University) put forward his own systematic viewpoint on the concept of national unification.

The second part of the symposium focused mainly on the issues occurred from the implementation of “the Co-location” programme. **Dr. P.Y. Lo** (Gilt Chambers), first discussed the two possibilities

decided by the second step of the “Co-location Case” in the NPCSC. Then **Professor Lin Feng** (City University of Hong Kong) discussed the constitutionality of implementing “the Co-location Case” on the high speed railway under the idea of “One country, two systems”. After that, **Dr. Sun Yuhua** (East China University) considered that the issue of “the Co-location Case” should be dealt with through Annex III of the Basic Law of the Hong Kong, and that **Dr. Zhang Xiaoshan** (Wuhan University), argued how she believed that the NPCSC had the power to exercise constitutional supervision over the HKSAR.



The third part of the symposium was a review of “the Co-location Case”. **Professor Wang Lei** (Peking University) and **Professor Fu Hualing** (University of Hong Kong) were the expert witnesses of both the prosecution and the defense of the case. The two elaborated on the nature and effectiveness of the decision of the NPCSC’s decision in “the Co-location Case”. Next, **Professor Albert Chen** (University of Hong Kong) and **Dr. Zhu Shihai** (University of Science and Technology of Macao), both respectively commented on the judicial review of “the Co-location Case”. During the symposium, **Dr. Shi Shifeng** (Zhongnan University), **Mr. Chu Kar Kin** (National Hong Kong and Macao Research Association), and **Professor Wang Zhenmin** (Tsinghua University), all respectively expressed their unique academic opinions on the constitutional review power of “One country, two systems” and the development of the Basic Law of the Hong Kong since the Hong Kong’s handover.

At the closing stage of the symposium, **Professor Albert Chen**, on behalf of the participants, spoke highly of the symposium, saying that it was timely, with a lot of theoretical depth and knowledge, and most importantly, of great practical significance. Last but not least, **Professor**

**Zhu Guobin** thanked all the speakers, invited guests and participants for their contributions to the event.

