



School of Law

香港城市大學  
City University of Hong Kong

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## **Symposium on the System and Powers of Chief Executive of the Special Administrative Region**

December 20-21, 2019

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The Symposium on the System and Powers of Chief Executive of the Special Administrative Region, funded by the Basic Law of Hong Kong Implementation Research Project, was held on December 20-21, 2019 in the City University of Hong Kong, School of Law Conference Room.



The conference centered around the relevant constitutional provisions, in particular, Article 48 of the Hong Kong Basic Law, focusing on the powers and functions of the Chief Executive (CE) and the exercise of such powers and functions. The symposium was divided into four different panels.

The first panel mainly focused on the CE's emergency powers under the Emergency Regulation Ordinance (ERO), while the second panel examined the CE's powers and functions under Article 48 of the Basic Law. The third panel focused on the CE's constitutional role and responsibilities under "One Country, Two Systems" and the Basic Law, and the fourth panel was keynote speeches on the system and powers of the CE, including emergency response, constitutional role, and constitutional responsibilities of the CE.

The first panel of the symposium was chaired by **Dr. Huang Mingtao** (Wuhan University). **Dr. Huang** began by elaborating on the background of the CE on the system and power, the issues to be discussed at the meeting, and a warm welcoming to all the speakers, invited guests and attendants. Afterwards, the speakers began to give their speeches. **Dr. Zhai Xiaobo** (University of Macau) explained the legal basis of his assertion that the CE possess emergency powers. **Dr. Zhu Shihai** (Macau University of Science and Technology) expressed his thoughts and analysis regarding the CE's exercise of emergency power. After that, **Dr. Fu Jing** (Zhongnan University of Economics and Law) introduced the regulation of emergency powers in countries under the rule of law, and discussed the exercise and regulation of the CE's emergency powers.



Dr. Zhai Xiaobo (University of Macau) sharing his thoughts on legal basis on CE's possession of emergency power

The second panel of the symposium focused mainly on the interpretation of the CE's powers and functions under Article 48 of the Basic Law. **Professor Lo Siu Hing** (Directorate Member of the HKU School of Professional and Continuing Education) and **Dr. P.Y. Lo** (Gilt Chambers) analysed and assessed the exercise of the powers and functions of the CE under Article 48 of the Basic Law respectively. Next was **Dr. Kang Yumei** (Beijing Foreign Studies University) who shared her study on the 'Origin, Evolution and Reflection' of the executive order under Article 48(4) of the Basic Law. Finally, **Professor Ye Haibo** (Shenzhen University) discussed the CE's power to decide whether government officials or other personnel in charge of government affairs should testify or give evidence before the Legislative Council or its committees.



Dr. P.Y. Lo (Gilt Chambers) sharing his ideas on Article 48

The third panel of the symposium provided commentaries on the constitutional status and responsibilities of the CE. **Dr. Ho Kin-Chung** (Founder of the One Country Two Systems Youth Forum) first discussed the role of the CE from the perspective of legal status and political reality. Then **Professor Yang Xiaonan** (Dalian Maritime University) expressed her views on the power of the Central People's Government to issue directives toward HKSAR via the CE. After that, **Dr. Huang Mingtao** (Wuhan University) analysed the formalization of the CE's reporting duty to the Central People's Government under Article 43 of the Hong Kong Basic Law. Last but not least, **Dr. Chen Minghui** (Beijing University) made a doctrinal analysis of how the CE should be appointed and dismissed under the Basic Law.

The last panel of the symposium was keynote speeches on the system and powers of the CE. **Professor Albert Chen** (University of Hong Kong) firstly discussed the emergency powers of the Hong Kong administration during the colonial period and after the handover. Then, **Professor Zhang Yan** (Renmin University of China) argued that the CE serves as a local guardian of the Basic Law. Afterward, **Professor Xu Chang** (Macau University of Science and Technology) summarized the successful practice of "One Country, Two Systems" in Macao and its implications for Hong Kong. Finally, **Professor Zhu Guobin** (City University of Hong Kong) shared his research on the further implementation on the powers and functions of the CE.



Professor Albert Chen delivering a keynote speech on the history of emergency powers in Hong Kong

At the closing stage of the symposium, **Professor Zhu Guobin**, on behalf of the sponsor, 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. He also thanked all the speakers, invited guests and participants for their contributions to the event.

