The Relationship between the Chinese Constitution and the Hong Kong Basic Law: A Theoretical Review of Forty Years

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On October 26, 2023, the Public Law and Human Rights Forum at the City University of Hong Kong School of Law successfully organized a seminar titled "*The Relationship between the Chinese Constitution and the Hong Kong Basic Law: A Theoretical Review over Forty Years*" in LI-6301 Seminar Room. The event delved into the intricate history, interconnection, and relevant theories surrounding the Chinese Constitution and the Hong Kong Basic Law, attracting scholars from academia and students from the City University of Hong Kong.

The keynote speaker for the seminar was Professor Huang Mingtao, a distinguished scholar from the School of Law, Wuhan University. In his speech, Professor Huang provided a detailed overview of the evolution of the Chinese Constitution and the Hong Kong Basic Law over the past forty years. Discussants included Professor Zhu Guobin from the School of Law, City University of Hong Kong, and Professor Zhu Han from the Faculty of Law, the University of Hong Kong. Their diverse expertise offered multiple perspectives on the theoretical aspects of the Chinese Constitution and the Hong Kong Basic Law. Additionally, over twenty CityU students attended the seminar for discussion and engagement.

Following the opening remarks, Assistant Professor Huang Tao, from the School of Law, City University of Hong Kong, introduced the keynote speaker and discussants. Professor Huang Mingtao then delivered a comprehensive presentation lasting approximately forty minutes. He began by reviewing the historical development of the Chinese Constitution over the past four decades, emphasizing its pivotal modifications since the era of reform and opening up. Professor Huang delved into the crucial question: "Does the Constitution apply to the Hong Kong Special Administrative Region?"

Professor Huang Mingtao introduced various mainstream views and presented his perspective, asserting the "self-sufficiency" of the Basic Law. He argued that the Basic Law constitutes an independent legal system within the Hong Kong SAR, covering not only the geographical area but also fully applying to the constitutional order of the region. This approach ensures mutual respect and harmonious coexistence between the constitutional orders of the mainland and Hong Kong. Professor Huang's core points included the complete application of the Basic Law, its priority in Hong Kong affairs, and the emphasis on its purpose to construct a constitutional order suitable for Hong Kong. He highlighted that the judiciary in the Hong Kong SAR must interpret and apply the Basic Law without compromising its "self-sufficiency." The final authority for interpretation lies with the Standing Committee of the National People's Congress, which should adhere to substantive principles. The primary objective of this theoretical framework is to provide a clear operational plan for assessing whether specific constitutional provisions affect the uniqueness, completeness, and coherence of the constitutional order in the SAR, with the premise that the constitution is not inapplicable. This addresses the genuine legal issues in the application of the constitution in the Hong Kong SAR.

During the discussion session, Professors Zhu Han and Zhu Guobin shared their perspectives and engaged in discussions with Professor Huang Mingtao on the application of the Basic Law and the National Security Law in Hong Kong.

This academic seminar perfectly exemplifies the mission of the Public Law and Human Rights Forum (CPLR). CPLR brings together multidisciplinary experts from the School of Law, providing a platform for discussion and knowledge exchange. It is dedicated to establishing itself as a leading institution in Asia for public law and human rights research through global collaborations.

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