RCCL Conference on “Governance, Democratization and Constitutional Reform: Definition of Political Structure of the HKSAR and Its Reform”

— Pinky Choy

Officials of the Central Authorities’ call for Hong Kong judges to be “administrators” who “love Hong Kong and China”, controversies over the 2017 Chief Executive Election, the Occupy Central Movement, the Mongkok Riot, and the advocacy of Hong Kong independence — all these recent incidents have made Hong Kong experiencing the greatest political tension since the handover, and the Hong Kong society has also become unprecedentedly and severely divided as a result. Many people, including scholars, politicians and ordinary citizens, attribute the cause of these political controversies to the problems of the existing political structure of the HKSAR, the characteristic of “executive-led government” in particular.

Notwithstanding that, however, while political debates are heated, in-depth rational academic discussions and studies on the political and constitutional system of the HKSAR, as well as the implications of “executive-led government”, both under the Basic Law and in practice in the HKSAR, are lacking. Having considered that, the Centre for Chinese and Comparative Law (RCCL) of the School of Law of City University organized a one and a half day’s conference on 23rd and 24th June 2016 to fill this gap.
The central aim of the Conference is, from a more holistic (historical, theoretical, practical, and comparative wherever possible) perspective, to examine current concepts, theories and principles guiding the governance and operation of the HKSAR, and to correctly define and predict the future direction of political and constitutional reform. The whole conference was divided into five sessions, with each session focusing on one particular theme. Nineteen speakers from Hong Kong, Macau and mainland China participated in this Conference, sharing with all conference participants their views on issues such the governance structure and the role of the Chief Executive of the HKSAR under the Basic Law; the nature and characteristics of HKSAR’s political system; the relationship between the judiciary and the executive branch in HKSAR; the role of the Central Authorities in HKSAR’s governance; and the meanings and contents of “executive-led government” and separation of powers in theory and in practice.

The Conference was kicked off by the welcome speech of our Acing Dean and Director of the RCCL Prof. Lin Feng. After that, the convenor of this Conference Prof. Zhu Guobin of our Law School introduced the background and the aim of this Conference.

The first panel session of the Conference was moderated by Prof. Zhu Guobin and it was about the Basic Law and governance of the HKSAR. We had the honour to invite Director of the Law Department of the Liaison Office of the Central People’s Government in the HKSAR Prof. Wang Zhenmin, Senior Counsel of the HKSAR and Convenor of Path of Democracy Mr. Ronny Tong S.C. and Prof. Lin Feng of our Law School to present their views on the this theme in this session.
Moderated by Prof. Simon Young (Associated Dean & Professor, Faculty of Law, The University of Hong Kong), session two focused on examining the nature and characteristics of the HKSAR’s political system. Speakers of this session were: Prof. Chen Duanhong (Professor, School of Law, Peking University); Prof. Wang Lei (Professor, School of law, Peking University); and Dr. Zhu Shihai (Associate Professor, Faculty of Law, Macau University of Science and Technology).

After defining the political structure of the HKSAR under the Basic Law, session three, being moderated by Prof. Lin Feng, went further to discuss issues relating to political reform.
of the HKSAR and the power of the Central Authorities. Dr. Cheng Jie (Associate Professor, School of Law, Tsinghua University), Dr. Wang Shucheng (Assistant Professor, School of Law, City University of Hong Kong), Prof. Albert Chen (Cheng Chan Lan Yue Professor in Constitutional Law, Faculty of Law, The University of Hong Kong), and Dr. P.Y. Lo (Barrister, HKSAR; Member, Council of the Hong Kong Bar Association) participated in the discussions of this session.

The major theme of the two panel sessions on second day of the Conference was “executive-led government” vs separation of powers. Participants of these two sessions included: Dr. Mark Kielsgard (Assistant Professor, School of Law, City University of Hong Kong); Prof. Zhu Guobin; Dr. Tian Feilong (Assistant Professor, Graduate School of Humanities and Social Sciences, Beihang University); Prof. Zhang Dinghuai (Professor, Centre for Basic Laws of Hong Kong and Macau Special Administrative Regions, Shenzhen University); Prof. Michael Davis (Professor, Faculty of Law, The University of Hong Kong); Mr. Danny Gittings (Associate Professor, College of Humanities and Law, School of Professional and Continuing Education, The University of Hong Kong); Dr. Huang Mingtao (Associate Professor, School of Law, Wuhan University); and Dr. Li Xiaobing (Associate Professor, School of Law, Nankai University).
While the term “separation of powers” is well known to everyone studying politics and/or law, as Mr. Gittings pointed out, this Conference was the first academic conference ever that made “separation of powers” a significant part of a conference. Discussions during these two panel sessions proved that such an arrangement was both appropriate and necessary: while the term itself looks simple on the surface, an in-depth study will find that it may have different interpretations and contents.

The whole conference was ended with the closing remark of Prof. Zhu Guobin who thanked all the conference speakers for their contributions to this Conference. Besides, he also emphasized that this Conference has laid a good foundation for further studies on issues relating to the political system and governance of the HKSAR.