

International Conference on the Evolution of Constitutional Order of the HKSAR: Theoretical and Comparative Perspectives, 26-27 October 2017.

— Pinky Choy

2017 marks the 20th anniversary of the Hong Kong Special Administrative Region (HKSAR) of the People's Republic of China, and also the 30th anniversary of the School of Law of City University of Hong Kong (CityU). To celebrate these two significant anniversaries, the Centre for Chinese and Comparative Law of CityU and the Implementation of the Hong Kong Basic Law Research Project jointly organized an international conference with a theme of the “Evolution of Constitutional Order of the HKSAR: Theoretical and Comparative Perspectives” on 26th and 27th of October 2017.

This conference aimed to gather well established experts and scholars from Hong Kong, Macau, Mainland China and overseas to conduct a serious and systematic review of the evolution of the HKSAR's new constitutional order, and to forecast its future development, as well as exploring the suitability of various models of autonomy as adopted in other parts of the world to HKSAR. Twenty-eight speakers coming from Hong Kong, Macau, Mainland China, Denmark, France, India, Montréal, Scotland and Spain participated in this conference.

The conference was kicked off by the speech of the Dean of our Law School Prof. Geraint Howells, who welcomed all the conference participants and thanked them for their support to the conference. After that, the conference convenor, Prof. Zhu Guobin of our Law School, explained the aims and expected outcomes of the conference.



Welcome Speeches by Prof. Geraint Howells (left) and Prof. Zhu Guobin (right).

Before the end of the opening ceremony, all the conference participants were invited to take a group photo to memorize this conference.



The whole conference was divided into six panels. Chaired by Prof. Han Dayuan of Renmin University of China School of Law, Panel 1 focused on the historical and theoretical analysis of the core-periphery relationship in China. Three speakers, namely Prof. Xiong Wenzhao of Minzu University of China School of Law, Prof. Linda Li of City University of Hong Kong Department of Public Policy, and Prof. Lin Feng of our Law School, presented their research relating to this topic. Besides, Mr. Henry Ho of the One Country Two Systems Youth Forum also presented his paper relating to the system of political appointees in Hong Kong at this Panel.



Panel 1 (from left to right): Prof. Lin Feng, Prof. Xiong Wenzhao, Prof. Han Dayuan, Prof. Linda Li, and Mr. Henry Ho.

Panel 2, which was chaired by Prof. Simon Young of the University of Hong Kong Faculty of Law, moved to examine the constitutional role of the HKSAR's common law judiciary in the civil law system of the People's Republic of China (PRC), including its relationship with the HKSAR legislature, its jurisdiction, as well as how it handles legislative interpretation of the Basic Law by the Standing Committee of the National People's Congress and post-Occupy Central protesters in public order cases. Speakers of this panel included Dr. Yang Xiaonan of Dalian Maritime University, Chairman of Hong Kong Bar Association Committee on Constitutional Affairs and Human Rights Dr. P.Y. Lo, Dr. Fu Jing of Zhongnan University of Economics and Law's Law School, and Dr. Tian Feilong of Beihang University's Graduate School of Humanities and Social Science & School of Law.



Panel 2 (from left to right): Dr. Tian Feilong, Dr. P.Y. Lo, Prof. Simon Young, Dr. Yang Xiaonan, and Dr. Fu Jing.

While themes discussed in all the six panels are important and controversial to the HKSAR, Panels 3 and 4 should be regarded as the highlights of this conference. In these two panels, which were chaired by Dr. Mark Kielsgard and Prof. Zhu Guobin of our Law School respectively, in addition to four speakers (namely, Prof. Qin Qianhong and Mr. Di Gaoyang of Wuhan University School, Dr. Zhai Xiaobo of University of Macau Faculty of Law, Dr. Stephen Thomson of Chinese University of Hong Kong Faculty of Law) who specifically talked about the “one country, two systems” as currently practiced in the HKSAR, the unitary system as adopted in the PRC, as well as the future of HKSAR's constitution, we had the honour to invite the following six overseas speakers and one local speaker to share their research and experience on constitutional arrangements with regard to central-local relations and various models of local autonomy as adopted in other parts of the world:

- Prof. Ferdinand Mélin-Soucramanien of University of Bordeaux, France examined issues relating the sovereignty of Caledonia;
- Dr. Sheikh Showkat Hussain of the School of Legal Studies, Central University of Kashmir, India talked about Kashmir's autonomous governance system;

- Prof. Jean-François Gaudreault-DesBiens of the Faculty of Law, Université de Montréal, Canada talked about the autonomy enjoyed by Quebec;
- Prof. Alan Page of the School of Law, University of Dundee, Scotland, who presented via Skype, talked about the Scottish Devolution;
- Prof. Eduardo J. Ruiz Vieytez of the University of Deusto, Spain discussed the Spanish constitutional arrangements with regard to central-local relations in the complex country of Spain;
- Prof. Helle Krunke of the Faculty of Law, University of Copenhagen, Denmark introduced to the audience the self-governance of Greenland; and
- Dr. Ng Hoi Yu of the Centre for Governance and Citizenship of the Education University of Hong Kong gave an overview of the autonomy enjoyed by Åland under Finland's constitutional arrangement.



Panel 3 (from left to right): Dr. Sheikh Showkat Hussain, Prof. Ferdinand Mélin-Soucramanien, Dr. Zhai Xiaobo, Dr. Mark Kielsgard, Prof. Qin Qianhong, Mr. Di Gaoyang, and Dr. Stephen Thomson.



Panel 4 (from left to right): Dr. Ng Hoi Yu, Prof. Helle Krunke, Prof. Zhu Guobin, Prof. Jean-François Gaudreault-DesBiens, and Prof. Eduardo J. Ruiz Vieytez.



Prof. Alan Page joined the conference via Skype.

Panels 5 and 6 were held on the second day of the conference. Chaired by Prof. Qin Qianhong of Wuhan University School of Law, Prof. Han Dayuan of Renmin University of China School of Law, Prof. Chen Duanhong of Peking University School of Law, Dr. Cao Xudong of the Institute of Guangdong Hong Kong and Macao Development Studies of Sun Yat-sen University, and Prof. Albert Chen of the University of Hong Kong Faculty of Law presented their papers relating to the relationships between the PRC Constitution, the Basic Law and the “one country, two systems” principle.



Panel 5 (from left to right): Prof. Albert Chen, Prof. Han Dayuan, Prof. Qin Qianhong, Prof. Chen Duanhong, and Dr. Cao Xudong.

The last panel of the conference discussed a rather controversial topic which recently aroused heated debate in Hong Kong society, that is localism vs nationalism, and “one country, two systems”. Chaired by Prof. Albert Chen of the University of Hong Kong Faculty of Law,

presenters in this panel included Prof. Sonny Lo and Mr. Danny Gittings, both from the School of Professional and Continuing Education of the University of Hong Kong, Dr. Brian Fong of the Education University of Hong Kong's Academy of Hong Kong Studies, Senior Counsel and non-official Executive Council member of the HKSAR Mr. Ronny Tong Q.C., S.C., and Dr. Zhu Shihai of the Macau University of Science and Technology's Faculty of Law.



Panel 6 (from left to right): Dr. Zhu Shihai, Mr. Ronny Tong Q.C., S.C., Dr. Brian Fong, Prof. Albert Chen, Prof. Sonny Lo, and Mr. Danny Gittings.

Throughout the whole conference, the atmosphere was enthusiastic: while the 28 speakers delivered excellent and insightful presentations, the audience actively participated in the discussions in the Q & A sessions, giving critical comments and putting forward challenging questions to speakers.





The conference was concluded by the closing speech of Prof. Zhu Guobin who thanked all the conference participants for their participation and contribution which made this conference a great success.

In conclusion, this conference perhaps was the most “internationalized” and eye-opening constitutional/Basic Law conference we ever had in Hong Kong. It was both thought-provoking and inspirational. Particularly the various autonomy models in other countries as introduced by the overseas speakers no doubt will serve as an important foundation for future research relating to central-local relations between the Chinese Central Government and the HKSAR.