

Making use of the Poster and Powerpoint on the Constitution and the Basic Law in the Senior Secondary Citizenship and Social Development

1. Relevant Theme

Theme	Hong Kong under “One Country, Two Systems”
Topic	The meaning and implementation of “one country, two systems”
Learning Focus	<ul style="list-style-type: none"> ● Constitutional relationship between the country and the Hong Kong Special Administrative Region (China has indisputable sovereignty and jurisdiction over Hong Kong), “one country, two systems” and its legal basis

2. After the lessons, students should be able to

- acquire the basic knowledge in relation to the Constitution, and apply these knowledge to explain why the Constitution is applicable to the Hong Kong Special Administrative Region, and explain the relationship between the Constitution and the Basic Law.
- understand the relationship between the Central Authorities and the Hong Kong Special Administrative Region as stipulated in the Basic Law, so as to help them appropriately apply the knowledge about the Constitution and the Basic Law to explore relevant topics.

3. Brief suggestions on making use of the poster and PowerPoint on the Constitution and the Basic Law

- The topics related to Hong Kong and the Mainland-Hong Kong relationship in the curriculum of senior secondary Citizenship and Social Development are under the framework and context of “one country, two systems” and the Basic Law. In addition, students should also grasp the relationship between the Constitution and the Basic Law, so that they could appropriately handle the topics related to the rule of law.
- Before teaching various topics under the theme of Hong Kong under “One Country, Two Systems”, teachers are recommended to teach this set of materials first, so as to enrich students’ basic knowledge.

- Teachers could use direct teaching to introduce this topic to students, and bring along the hardcopy text of the Constitution and the Basic Law, which serve as reference during the lessons. In addition, students could be reminded to bring along the text of the Constitution and the Basic Law to classes. Students could also download it to their personal electronic devices for their easy reference and learning.
- Distribute the worksheet: “Understanding the Constitution and the Basic Law” (P.3-9) and ask students to apply what have learnt in the lessons, and complete the worksheet after the lessons, so as to consolidate their understanding of the topic.

Worksheet: Understanding the Constitution and the Basic Law

A. Read the following sources and then answer the questions

Source 1 : Some basic knowledge about the Constitution

- One country, one sovereignty, one constitution is the common practice of various countries.
- From the perspective of public international laws, when certain place belongs to a country, the constitution of the country must be applicable to that place.
- From the perspective of the study of constitutionalism, constitution is also the origin of laws and systems of modern countries.

Source : Extracted from the Constitution and the Basic Law poster issued by the Education Bureau (translated)

Source 2 : Two of the Articles of the Constitution of the People’s Republic of China (the Constitution)

Article 31 : The state may establish special administrative regions when necessary. The systems instituted in special administrative regions shall, in light of specific circumstances, be prescribed by laws enacted by the National People's Congress.

Article 62 : The National People's Congress shall exercise the following functions and powers:
(14) deciding on the establishment of special administrative regions and the systems to be instituted there

Source : The Constitution of the People’s Republic of China, extracted from the website of National People’s Congress of the People’s Republic of China
<http://www.npc.gov.cn/englishnpc/constitution2019/201911/1f65146fb6104dd3a2793875d19b5b29.shtml>

Source 3 : Two of the Articles of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (The Basic Law)

Article 1 : The Hong Kong Special Administrative Region is an inalienable part of the People's Republic of China.

Article 2 : The National People's Congress authorizes the Hong Kong Special Administrative Region to exercise a high degree of autonomy and enjoy executive, legislative and independent judicial power, including that of final adjudication, in accordance with the provisions of this Law.

Source : The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, extracted from the website of The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China
https://www.basiclaw.gov.hk/en/basiclawtext/chapter_1.html

Questions:

1. With reference to the sources provided and your own knowledge, explain why the Constitution is applicable to the Hong Kong Special Administrative Region.

Answer for reference:

- One country, one sovereignty, one constitution is the common practice of various countries.
- From the perspective of public international laws, when certain place belongs to a country, the constitution of the country must be applicable to that place. The Constitution of the country is applicable to the whole country. As the Hong Kong Special Administrative Region is an inalienable part of the country, therefore the Constitution of the country is also the constitution of the Hong Kong Special Administrative Region.
- From the perspective of the study of constitutionalism, constitution is also the origin of laws and systems of modern countries. The establishment of the Hong Kong Special Administrative Region is originated from Article 31 of the Constitution. Therefore, the full name of the Basic Law is the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China.
- To summarise, the constitutional order of the special administrative region after Hong Kong's return to the motherland must be based on and rooted in the Constitution of the country and the Basic Law.

2. With reference to the sources provided and your own knowledge, explain the relationship between the Constitution and the Basic Law.

Answer for reference:

- In accordance with Article 31 and Item 14 of Article 62 of the Constitution, the National People's Congress (NPC) decided to establish the Hong Kong Special Administrative Region and enacted the Basic Law based on the Constitution. Therefore, the Constitution is the parent law while the Basic Law is the subsidiary law. Only when there is the Constitution, does the Basic Law exist. Thus, the Constitution is the legal basis of the Basic Law.
- In accordance with Article 31 of the Constitution, the systems and policies instituted in the Hong Kong Special Administrative Region shall be prescribed by the Basic Law, which was enacted by the National People's Congress. The Preamble and Article 11 of the Basic Law also clearly stipulate its relationship

with the Constitution. The relevant provisions are as follows :

- The Preamble of the Basic Law: “..... Upholding national unity and territorial integrity, maintaining the prosperity and stability of Hong Kong, and taking account of its history and realities, the People's Republic of China has decided that upon China's resumption of the exercise of sovereignty over Hong Kong, a Hong Kong Special Administrative Region will be established **in accordance with the provisions of Article 31 of the Constitution of the People's Republic of China**, and that under the principle of "one country, two systems", the socialist system and policies will not be practised in Hong Kong.....**In accordance with the Constitution of the People's Republic of China**, the National People's Congress hereby enacts the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, prescribing the systems to be practised in the Hong Kong Special Administrative Region, in order to ensure the implementation of the basic policies of the People's Republic of China regarding Hong Kong.”
- Article 11 of the Basic Law: "**In accordance with Article 31 of the Constitution of the People's Republic of China**, the systems and policies practised in the Hong Kong Special Administrative Region, including the social and economic systems, the system for safeguarding the fundamental rights and freedoms of its residents, the executive, legislative and judicial systems, and the relevant policies, shall be based on the provisions of this Law."
- To summarise, the Constitution is the constitutional basis of the Basic Law, and safeguards the implementation of the principle of “one country, two systems” in the Hong Kong Special Administrative Region.

B. Answer the following multiple-choice questions (you can read the Basic Law to find out the correct answers)

1. What do the two systems refer to in the “one country, two systems” ?

- A. Socialist system, Capitalist system
- B. Democratic system, Socialist system
- C. Communist system, Capitalist system

Answer : _____

2. Which institution exercises the direct jurisdiction over the Hong Kong Special Administrative Region?

- A. The National People’s Congress of the People’s Republic of China
- B. The Standing Committee of the National People’s Congress
- C. The Central People’s Government

Answer : _____

3. The Central People’s Government is responsible for _____ of the Hong Kong Special Administrative Region.

- A. the foreign affairs and finance
- B. the finance and the defence
- C. the foreign affairs and the defence

Answer : _____

4. Who shall appoint the Chief Executive of the Hong Kong Special Administrative Region ?

- A. The Central People’s Government of the People’s Republic of China
- B. The President of the People’s Republic of China
- C. The Legislative Council of the Hong Kong Special Administrative Region

Answer : _____

5. Who shall appoint the Chief Secretary for Administration, Financial Secretary, Secretary for Justice and other principal officials of the Hong Kong Special Administrative Region?

- A. Nominated by the President of the People’s Republic of China, and appointed by the Central People’s Government

- B. Nominated by the Chief Executive of the Hong Kong Special Administrative Region, and appointed by the Central People's Government
- C. Appointed by the Chief Executive of the Hong Kong Special Administrative Region

Answer : _____

6. Which of the following authorities is responsible for enacting laws of the Hong Kong Special Administrative Region?

- A. The Standing Committee of the National People's Congress
- B. The Executive Council of the Hong Kong Special Administrative Region
- C. The Legislative Council of the Hong Kong Special Administrative Region

Answer : _____

7. Which of the following authorities has the power of final adjudication of the Hong Kong Special Administrative Region?

- A. The Supreme People's Court of the People's Republic of China
- B. The High Court of the Hong Kong Special Administrative Region
- C. The Court of Final Appeal of the Hong Kong Special Administrative Region

Answer : _____

8. Which of the following authorities issues passports of the Hong Kong Special Administrative Region of the People's Republic of China?

- A. The Ministry of Foreign Affairs of the People's Republic of China
- B. The Ministry of Public Security of the People's Republic of China
- C. The Government of the Hong Kong Special Administrative Region

Answer : _____

9. Which of the following authorities has the power to interpret the Basic Law?

- A. The Government of the Hong Kong Special Administrative Region
- B. The Standing Committee of the National People's Congress
- C. The Legislative Council of the Hong Kong Special Administrative Region

Answer : _____

10. Which of the following authorities has the power to amend the Basic Law?

- A. The National People's Congress
- B. The State Council of the People's Republic China
- C. The Legislative Council of the Hong Kong Special Administrative Region

Answer : _____

Source : Excerpted and adapted from Liberal Studies Section of Curriculum Development Institute of Education Bureau (2017). *Liberal Studies Curriculum Resources Booklet Series: Hong Kong Today* (pp. 71-73). Hong Kong: Curriculum Development Institute, P.102-103.

Answer for Reference:

Question	Answer	Relevant Articles of the Basic Law
1	A	Preamble and Article 5
2	C	Article 12
3	C	Article 13 and Article 14
4	A	Article 45
5	B	Article 48 (5)
6	C	Article 73 (1)
7	C	Article 82
8	C	Article 154
9	B	Article 158
10	A	Article 159

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