

**“Understanding the Political Structure  
of the Hong Kong Special Administrative Region (HKSAR)”  
Worksheet**

**Theme:** Hong Kong under “One Country, Two Systems”

**Topic:** The meaning and implementation of “one country, two systems”

**Foundation Questions**

1. How is the basic policy of “one country, two systems” reflected in the provisions of the Basic Law? Cite relevant provisions from Chapter I of the Basic Law.

- *Article 1 of the Basic Law: The Hong Kong Special Administrative Region is an inalienable part of the People's Republic of China.*
- *Article 5 of the Basic Law: The socialist system and policies shall not be practised in the Hong Kong Special Administrative Region, and the previous capitalist system and way of life shall remain unchanged for 50 years.*

Watch the video clip in Source A and study Source B, and answer the questions.

Source A:

<b>Name of video:</b>	“《歷史有話說》第四十集：一國兩制”
<b>Video provider:</b>	Our Hong Kong Foundation
<b>Date of uploading:</b>	14 August 2020
<b>Video length</b>	2 min 24 seconds (Cantonese narration with Chinese subtitles)
<b>(Language)</b>	<a href="https://www.hkchronicles.org.hk/%E5%BF%97%E8%B6%A3%E5%8F%A4%E4%BB%8A/%E5%BF%97%E5%BD%B1%E9%99%A2/%E4%B8%80%E5%9C%8B%E5%85%A9%E5%88%B6">https://www.hkchronicles.org.hk/%E5%BF%97%E8%B6%A3%E5%8F%A4%E4%BB%8A/%E5%BF%97%E5%BD%B1%E9%99%A2/%E4%B8%80%E5%9C%8B%E5%85%A9%E5%88%B6</a>
<b>Website:</b>	

Source B:

The idea of “one country, two systems” is built upon the prerequisite of “one China” under which our Country, in its entirety, implements socialist system while Hong Kong, as a special administrative region, maintains its capitalist system.

Article 31 of the Constitution of the People’s Republic of China (PRC), which was passed at the Fifth Session of the Fifth National People’s Congress (NPC) and promulgated for implementation on 4 December 1982, stipulates that “the State may establish special

administrative regions when necessary. The systems to be instituted in special administrative regions shall be prescribed by law enacted by the NPC in the light of specific conditions”. This reflects that “one country, two systems” principle was formulated by the Chinese Government to achieve peaceful reunification of the country by providing the direct constitutional basis for establishing special administrative regions in certain regions of the country with systems and policies different than those implemented in the Mainland.

“One country” is the core element in the “one country, two systems” policy, and it is the prerequisite upon which the “two systems” element can flourish in accordance with the unique situations in Hong Kong. “One country” is the foundation for the implementation of “two systems”. The Basic Law specifies that the Hong Kong Special Administrative Region (HKSAR) is an inalienable part of the PRC. The NPC authorises the HKSAR 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 the Basic Law. The Central People’s Government of the PRC is responsible for the affairs relating to sovereignty such as foreign affairs and the defence of the HKSAR.

Source: Excerpted from “One Country, Two Systems”, *Liberal Studies Curriculum Resources Booklet Series: Hong Kong Today*, p.20-23.

2. Why did our country choose to implement “one country, two systems” in Hong Kong? Explain your answer with reference to the sources and your own knowledge.

*In 1981, State leader Mr Deng Xiaoping realised that the situation of Hong Kong implementing the capitalist system was very different from that of China practising the socialist system, so he proposed the idea of “one country, two systems” in Hong Kong. Based on the prerequisite and foundation of “one country”, “two systems” are practised in accordance with the special circumstances of Hong Kong.*

*“One Country, Two Systems” is a vision of our country to achieve peaceful reunification and territorial integrity and resolve issues pertaining to national unity, including the Hong Kong issue. This allows the implementation of a different system in certain parts of the country.*

*Under “One Country, Two Systems”, the Central Government has overall jurisdiction over the HKSAR. The robustness of “One Country, Two Systems” can only be ensured by adhering to the “One Country” principle and respecting the differences of the “Two Systems”, as well as integrating the upholding of the Central Government’s overall jurisdiction and the safeguarding of a high degree of autonomy in the HKSAR.*

*(References: Chief Secretary for Administration, The Government of the HKSAR. (2020). Basic Law: Best Guarantee of “One country, Two systems” Cornerstone of Hong Kong’s prosperity and stability. Retrieved from <https://www.cso.gov.hk/eng/blog/blog20200503.htm>)*

Study Source C and answer the questions.

Source C:

**Excerpts from Chapters II and IV of the Basic Law**

**Article 13(1):** The Central People's Government shall be responsible for the foreign affairs relating to the Hong Kong Special Administrative Region.

**Article 14(1):** The Central People's Government shall be responsible for the defence of the Hong Kong Special Administrative Region.

**Article 16:** The Hong Kong Special Administrative Region shall be vested with executive power. It shall, on its own, conduct the administrative affairs of the Region in accordance with the relevant provisions of the Basic Law.

**Article 61:** The principal officials of the Hong Kong Special Administrative Region shall be Chinese citizens who are permanent residents of the Region with no right of abode in any foreign country and have ordinarily resided in Hong Kong for a continuous period of not less than 15 years.

Source: *The Constitution of the PRC and the Basic Law of the HKSAR of the PRC*. Retrieved from <https://www.basiclaw.gov.hk/en/basiclawtext/index.html>

3. With reference to Source C, what are the basic policies of the PRC regarding Hong Kong in addition to the principle of “one country, two systems”?

*“Hong Kong people administering Hong Kong”; a high degree of autonomy*

Answer the questions with reference to relevant provisions of the Basic Law.

4. Which of the following are the major powers and functions of the Chief Executive?

- (i) to lead the government of the HKSAR
- (ii) to decide on government policies and to issue executive orders
- (iii) to sign bills passed by the LegCo and to promulgate laws

- A (i) and (ii)
- B (i) and (iii)
- C (ii) and (iii)
- D (i), (ii) and (iii)

**Suggested answer: D**

5. What is the minimum age for the Chief Executive of the HKSAR?

- A 30 years of age
- B 35 years of age
- C 40 years of age
- D 45 years of age

**Suggested answer: C**

6. Permanent residents of the HKSAR who are not of Chinese nationality or who have the right of abode in foreign countries may also be elected members of the Legislative Council (LegCo) of the HKSAR, but what is the proportion that such members shall not exceed the total membership of the LegCo?

- A 15 percent
- B 20 percent
- C 25 percent
- D 30 percent

**Suggested answer: B**

7. Except the first term of office, how long is the term of office of the LegCo of the HKSAR?

- A two years
- B three years
- C four years
- D five years

**Suggested answer: C**

## Advanced Questions

Study Source D and answer the questions.

Source D:

### Excerpts from Chapter IV of the Basic Law

**Article 43:** The Chief Executive of the Hong Kong Special Administrative Region shall be the head of the Hong Kong Special Administrative Region and shall represent the Region. The Chief Executive of the Hong Kong Special Administrative Region shall be accountable to the Central People's Government and the Hong Kong Special Administrative Region in accordance with the provisions of the Basic Law.

**Article 62:** The Government of the Hong Kong Special Administrative Region shall exercise various powers and functions: to formulate and implement policies; to draft and introduce bills, motions and subordinate legislation; to draw up and introduce budgets, etc.

**Article 64:** The Government of the Hong Kong Special Administrative Region must abide by the law and be accountable to the Legislative Council of the Region: it shall implement laws passed by the Council and already in force; it shall present regular policy addresses to the Council; it shall answer questions raised by members of the Council; and it shall obtain approval from the Council for taxation and public expenditure.

**Article 74:** Members of the Legislative Council of the Hong Kong Special Administrative Region may introduce bills in accordance with the provisions of the Basic Law and legal procedures. Bills which do not relate to public expenditure or political structure or the operation of the government may be introduced individually or jointly by members of the Council. The written consent of the Chief Executive shall be required before bills relating to government policies are introduced.

**Article 80:** The courts of the Hong Kong Special Administrative Region at all levels shall be the judiciary of the Region, exercising the judicial power of the Region.

**Article 88:** Judges of the courts of the Hong Kong Special Administrative Region shall be appointed by the Chief Executive on the recommendation of an independent commission composed of local judges, persons from the legal profession and eminent persons from other sectors.

Source: *The Constitution of the PRC and the Basic Law of the HKSAR of the PRC*. Retrieved from <https://www.basiclaw.gov.hk/en/basiclawtext/index.html>

1. How does the Basic Law reflect that the political structure of the HKSAR is an executive-led system led by the Chief Executive? Explain your answer with reference to Source D.

The political structure of HKSAR is set out in Chapter IV of the Basic Law and it lays down an executive-led system headed by the Chief Executive. The Chief Executive shall be the head of the Hong Kong Special Administrative Region (HKSAR) and the head of the Government of the HKSAR. It is stipulated in the Basic Law that the Chief Executive shall lead the Government of the HKSAR.

The executive authorities and the legislature are inter-related in performance of functions, but the powers of introducing bills mainly rest with the executive authorities. This reflects that the political structure of the HKSAR is an executive-led system.

2. In what ways do the executive authorities, the legislature and the judiciary of Hong Kong perform their respective functions and complement each other? Explain your answer with reference to Source D.

The Basic Law sets out the different powers and functions of the executive authorities, the legislature and the judiciary, which are inter-related with delegated powers and functions to discharge their constitutional duty under the executive-led system. Examples are listed as follows:

The Government of the HKSAR is responsible for formulating policies and introducing bills. The Legislative Council of the HKSAR shall enact laws as required, which will be implemented or enforced by the Government.

The Judiciary is authorised to exercise judicial power including that of final adjudication. Also, judges of the courts of the HKSAR shall be appointed by the Chief Executive on the recommendation of an independent commission.

3. What are the names of the following three buildings? What are the main functions of the government authorities they represent?

**(a) The Legislature**



Name of the building:

**Legislative Council (LegCo) Complex**

Functions:

**To enact, amend or repeal laws in accordance with the provisions of the Basic Law and legal procedures; to examine and approve budgets introduced by the government; to approve taxation and public expenditure, etc.**

Source: Copyright of the pictures belongs to the Legislative Council. Retrieved from [www.legco.gov.hk](http://www.legco.gov.hk).

**(b) The Judiciary**



Name of the building:

**Court of Final Appeal (CFA) Building**

Functions:

**To adjudicate cases in accordance with the laws applicable in the HKSAR**

Source: Picture from the Hong Kong Court of Final Appeal

**(c) The Executive Authorities**

Name of the building:

**Central Government Offices (CGO)**

Functions:

**To formulate and implement policies; to draft and introduce bills, motions and subordinate legislation; to draw up and introduce budgets and final accounts, etc.**

Source: Picture from the Information Services Department

4. According to the organisational chart of the Government of the HKSAR, complete the following table.

<b>Secretaries</b>	Chief Secretary for Administration		Financial Secretary	a. <b>Secretary for Justice</b>
<b>Policy Bureaux</b>	Environment Bureau	b. <b>Food and Health Bureau</b>	c. <b>Development Bureau</b>	(Not applicable)
<b>Government Departments</b>	d. <b>Environmental Protection Department</b>	Department of Health	Buildings Department	e. <b>Department of Justice</b>

Source: *Organisation Chart of the Government of the HKSAR* (1 July 2018). Retrieved from <https://www.gov.hk/en/about/govdirectory/govchart/index.htm>

To learn more:

As one of the commonly used cognitive tools, **Table** organises information in a row by column format systematically to enable (1) comparison of data across different categories (e.g. comparison between two columns) and/or (2) review of the relationship between information (e.g. between rows and columns).



5. Which of the following departments/ authorities function independently and are accountable to the Chief Executive?

- (i) Independent Commission Against Corruption (ICAC)
  - (ii) Buildings Department
  - (iii) Water Supplies Department
  - (iv) Audit Commission
- A (i) and (ii)
  - B (iii) and (iv)
  - C (i) and (iv)
  - D (i), (iii) and (iv)

**Suggested answer: C**

6. Article 8 of the Basic Law stipulates that the laws previously in force in Hong Kong, that is, the common law, rules of equity, ordinances, subordinate legislation and customary law shall be maintained, except for any that contravene the Basic Law, and subject to any amendment by the \_\_\_\_\_ of the HKSAR.

- A legislature
- B Court of Final Appeal
- C executive authorities
- D Chief Executive

**Suggested answer: A**

7. For the importance of judicial independence, the provisions of the Basic Law and related mechanisms guarantee the judicial independence in Hong Kong, including the appointment of judges, security of tenure, security of pay, and system independence. How important are these four aspects in guaranteeing the judicial independence? Match the four aspects shown in Column A with the relevant excerpts of the Basic Law in Column B.

<b><u>Column A</u></b> <b>Judicial independence protected by the Basic Law</b>	<b><u>Column B</u></b> <b>Relevant excerpts of the Basic Law</b>
<b>The appointment of judges</b>	<ul style="list-style-type: none"> <li>• [A] <b>Article 85:</b> The courts of the Hong Kong Special Administrative Region shall exercise judicial power independently, free from any interference. Members of the judiciary shall be immune from legal action in the performance of their judicial functions.</li> </ul>
<b>The security of tenure</b>	<ul style="list-style-type: none"> <li>• [B] <b>Article 88:</b> Judges of the courts of the Hong Kong Special Administrative Region shall be appointed by the Chief Executive on the recommendation of an independent commission composed of local judges, persons from the legal profession and eminent persons from other sectors.</li> </ul>
<b>The security of pay</b>	<ul style="list-style-type: none"> <li>• [C] <b>Article 89(1):</b> A judge of court of the Hong Kong Special Administrative Region may only be removed for inability to discharge his or her duties, or for misbehaviour, by the Chief Executive on the recommendation of a tribunal appointed by the Chief Justice of the Court of Final Appeal and consisting of not fewer than three local judges.</li> </ul>
<b>System independence</b>	<ul style="list-style-type: none"> <li>• [D] <b>Article 93(1):</b> Judges and other members of the judiciary serving in Hong Kong before the establishment of the Hong Kong Special Administrative Region may all remain in employment and retain their seniority with pay, allowances, benefits and conditions of service no less favourable than before.</li> </ul>

***【Suggested answer】***

<p style="text-align: center;"><b><u>Column A</u></b></p> <p style="text-align: center;"><b>Judicial independence protected by the Basic Law</b></p>	<p style="text-align: center;"><b><u>Column B</u></b></p> <p style="text-align: center;"><b>Relevant excerpts of the Basic Law</b></p>
<p><b>The appointment of judges</b></p>	<p><b><i>[B] Article 88:</i></b> <i>Judges of the courts of the Hong Kong Special Administrative Region shall be appointed by the Chief Executive on the recommendation of an independent commission composed of local judges, persons from the legal profession and eminent persons from other sectors.</i></p>
<p><b>The security of tenure</b></p>	<p><b><i>[C] Article 89(1):</i></b> <i>A judge of court of the Hong Kong Special Administrative Region may only be removed for inability to discharge his or her duties, or for misbehaviour, by the Chief Executive on the recommendation of a tribunal appointed by the Chief Justice of the Court of Final Appeal and consisting of not fewer than three local judges.</i></p>
<p><b>The security of pay</b></p>	<p><b><i>[D] Article 93(1):</i></b> <i>Judges and other members of the judiciary serving in Hong Kong before the establishment of the Hong Kong Special Administrative Region may all remain in employment and retain their seniority with pay, allowances, benefits and conditions of service no less favourable than before.</i></p>
<p><b>System independence</b></p>	<p><b><i>[A] Article 85:</i></b> <i>The courts of the Hong Kong Special Administrative Region shall exercise judicial power independently, free from any interference. Members of the judiciary shall be immune from legal action in the performance of their judicial functions.</i></p>

## Situational Questions

Study the information of the following case and answer the questions.

### Case study: A traffic accident

When travelling along Tsing Yi North Bridge on Tsing Tsuen Road towards Tsing Yi, a man driving a motorcycle was suspected of losing control and ramming into the right side kerb. The police arrived at the scene to investigate. The man failed the screening breath test, being suspected of drink-driving, and was arrested in contravention of the Road Traffic Ordinance (Cap. 374).

Source: made reference to Now News (2020, October 28). *Motorcycle crash in Tsing Yi, and the injured driver was arrested for drink-driving* (青衣電單車撞壘 司機受傷涉酒後駕駛被捕). Retrieved from <https://news.now.com/home/local/player?newsId=410687>

1. What would be the respective roles of the executive authorities, the legislature and the judiciary of the HKSAR demonstrated in the above case?

- *The Executive Authorities: To enforce the Road Traffic Ordinance (Cap. 374) passed by the Legislative Council*
- *The Legislature: To enact the Road Traffic Ordinance (Cap. 374) with an aim to combat drink-driving*
- *The Judiciary: To deal with relevant cases*

2. Which government departments may be involved in traffic accidents? What are the functions / duties of these government departments? With reference to the above case and other sources of information, identify three government departments that may be involved and explain the functions / duties of these departments.


Government Department	Duties
<i>Hong Kong Police Force</i>	<ul style="list-style-type: none"> <li>➤ <i>To demand a screening breath test from the drivers</i></li> <li>➤ <i>To arrest the drivers for suspected violation of the Road Traffic Ordinance (Cap. 374)</i></li> </ul>
<i>Department of Justice</i>	<ul style="list-style-type: none"> <li>➤ <i>To make prosecution decisions</i></li> </ul>
<i>Social Welfare Department</i>	<ul style="list-style-type: none"> <li>➤ <i>To prepare pre-sentence reports in serving the courts</i></li> </ul>
<i>Transport</i>	<ul style="list-style-type: none"> <li>➤ <i>To arrange the driving improvement course for the offenders who</i></li> </ul>

<i>Department</i>	<i>have been convicted of serious traffic offences, such as drink-driving and dangerous driving</i>
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*(Or other reasonable answer)*


Part of the suggested answer to Questions 1 and 2 of the Advanced Questions in this worksheet are excerpts from Department of Justice (DOJ), The Government of the HKSAR (2020). *Division of work and complementing each other*. Retrieved from [https://www.doj.gov.hk/en/community\\_engagement/sj\\_blog/20200905\\_blog1.html](https://www.doj.gov.hk/en/community_engagement/sj_blog/20200905_blog1.html)

**Extended Learning: Site visits**Venue of site visit (1): Legislative Council (LegCo) Complex

<p style="text-align: center;"><b>Learning points</b> (explain from the perspectives of the historical development of the building, architectural features, functions, etc.)</p>	<p style="text-align: center;"><b>Use graphic/text to describe observation during the visit</b></p>
<p><b>【Example】</b></p> <p><i>The LegCo Complex demonstrates a strong emphasis on the vertical lines and features as the integrative design element. Its interior design theme integrates both elements of solemnity and prudence, and of openness and empathy, as symbolically represented by “square” (which denotes restraints) and “round” (which denotes changes) shapes. The overall design concept aims to project the independent and special status and the transparent and dignified image of the Legislature of the HKSAR.<sup>1</sup></i></p>	
<p>1.</p>	
<p>2.</p>	


<sup>1</sup> Source: made reference to *Architectural Design*, Copyright belongs to the Legislative Council. Retrieved from [https://www.legco.gov.hk/general/english/visiting/complex\\_tamar.html](https://www.legco.gov.hk/general/english/visiting/complex_tamar.html)

Venue of site visit (2): Central Government Offices (CGO)

<p><b>Learning points</b> (explain from the perspectives of the historical development of the building, architectural features, functions, etc.)</p>	<p><b>Use graphic/text to describe observation during the visit</b></p>
<p><i>【Example】</i></p> <p><i>The idea of "Door Always Open" is manifested in the design of the Central Government Offices, symbolising that the Government is people-oriented, open-minded and receptive to public opinion.<sup>2</sup></i></p>	
<p>1.</p>	
<p>2.</p>	

<sup>2</sup> Source: made reference to The Government of the HKSAR. (2011, August 18). *CE's speech at ceremony to commemorate completion of new Government Headquarters at Tamar*. Retrieved from <https://www.info.gov.hk/gia/general/201108/18/P201108180162.htm>; Picture from Information Services Department

Venue of site visit (3): Court of Final Appeal (CFA) Building

<p><b>Learning points</b> (explain from the perspectives of the historical development of the building, architectural features, functions, etc.)</p>	<p><b>Use graphic/text to describe observation during the visit</b></p>
<p><i>【Example】</i></p> <p><i>Standing at the top of the front facade of the Court of Final Appeal, Statue of Justice is blind-folded which represents the approach of the courts in ignoring the identity of the parties who appear in them.<sup>3</sup></i></p>	
<p>1.</p>	
<p>2.</p>	

<sup>3</sup> Source: made reference to The Government of the HKSAR. (2017, January 9). *CJ's speech at Ceremonial Opening of the Legal Year 2017*. Retrieved from <https://www.info.gov.hk/gia/general/201701/09/P2017010900457.htm>; Picture from Hong Kong Court of Final Appeal