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## 導言：回首二十五年 讀懂「一國兩制」

香港回歸祖國已經二十五年，「一國兩制」經歷了實踐的檢驗。站在這個時點上回首過去，我們對「一國兩制」有了更加深切的感悟。習近平主席在香港發表重要講話，鄭重宣示「一國兩制」方針必須長期堅持，回答了全面準確貫徹「一國兩制」方針的重大理論和現實問題，為深刻認識「一國兩制」的理論邏輯和實踐規律，提供了指引。

作為前無古人的制度探索，「一國兩制」實踐取得舉世公認的成功，同時也遇到一些干擾和衝擊，受各種內外複雜因素影響，香港局勢一度出現嚴峻局面。中央適時出手撥亂反正，制定香港國安法，完善特區選舉制度，採取一系列標本兼治的舉措，推動香港實現由亂到治的重大轉折，「一國兩制」實踐重回正軌。

但凡新的探索難免有不盡人意的波折，「一國兩制」事業也是在一次次迎接挑戰、解決問題的過程中破浪前

行的，得與失，經驗與教訓，都是寶貴的財富。回首二十五年，我們對「一國兩制」的要義看得更加清晰，它至少包含以下幾點：

其一，維護國家主權、安全和發展利益是最高原則。「一國兩制」是國家統一和國家治理的制度安排，首要目標是國家統一。基本法序言寫明，設立特別行政區並實行「一國兩制」，是為了維護國家的統一和領土完整，保持香港的繁榮和穩定。中共十八大報告指出，維護國家主權、安全和發展利益，維護香港長期繁榮穩定，是「一國兩制」的根本宗旨。香港享有特殊制度安排的前提，是必須扛起維護國家安全和國家利益的憲制責任，守住習近平主席劃定的「三條底線」。

其二，憲法和基本法共同構成特別行政區的憲制基礎。憲法是國家的根本法、最高法，基本法是依據憲法制定的，不能拋開憲法講基本法，特區不存在脫離國家憲法的「憲制」和「法治」。這樣的憲制基礎和憲制秩序，要求香港實行的制度必須與國家主體實行的制度相協調、相適應。特區政府和香港居民必須遵從憲法的精神，尊重和維護中國共產黨的領導，尊重和維護國家的政治制度及體制。同時維護基本法的權威，確保基本法

各項規定的落實。

其三，中央全面管治權與特區高度自治權相統一。主權與治權不可分割，中國政府對香港恢復行使主權之時也就擁有了對香港的全面管治權。特區的高度自治不是固有的，而是中央授權的結果。全面管治權是高度自治權的源頭，兩者統一銜接才能把特區治理好。特區政府向中央政府負責，接受中央政府的監督和問責。中央對特區政治體制、政治制度等重大問題有最終決定權，特區自治範圍內的事務由特區負責。

其四，堅持行政主導的特別行政區政治體制。這一點是上一點的延伸。香港回歸後重新納入國家治理體系，特區治理是國家治理的組成部分，特區的政治體制必須與國家主體的政治體制有效銜接。香港實行行政主導體制，是由我國單一制國家結構和特區作為地方行政區的憲制地位決定的，是行政長官對中央負責的有效方式。香港的政制發展必須有利於落實行政主導，確保行政長官在特區治理中的核心地位和權威，提高施政效能。

其五，必須落實「愛國者治港」。「愛國者治港」是「港人治港」的界限。基本法明確要求行政長官等公職人員必須宣誓擁護《中華人民共和國香港特別行政區基本

法》，效忠中華人民共和國香港特別行政區。治港者必須具有牢固的國家觀念，特區的選舉制度必須確保進入管治架構的人，都是堅定的愛國者。守護好管治權，就是守護香港繁榮穩定，守護香港居民的切身利益。

其六，保持香港的獨特地位和優勢。實行「一國兩制」，就是要在解決統一問題的前提下，最大限度保留香港的特色和優勢。香港背靠祖國，聯通世界，具有不可替代的獨特作用。融入國家發展大局，以香港所長服務國家所需，進而實現自身更大發展，符合國家的發展戰略，符合國家和香港的根本利益和長遠利益。香港應該在民族復興的進程中，與祖國人民共擔責任，共享榮光。

以上各點相互聯繫、內在統一，從中可以看出一個共同特徵，那就是先有「一國」後有「兩制」，沒有「一國」就沒有「兩制」。「一國兩制」是在國家主體堅持社會主義制度的前提下制定的政策。也就是說，內地是主體，內地實行的制度是前提，沒有主體和前提，「一國兩制」就是空中樓閣。鄧小平先生一語破的，他說：「我們搞的是有中國特色的社會主義，所以才制定『一國兩制』的政策，才可以允許兩種制度存在。」「沒有中國共產黨，沒有中國的社會主義，誰能夠制定這樣的政策？」

「一國兩制」的獨特性在於，國家主體的社會主義與局部地區的資本主義並行不悖，由國家主體提供依託，以特殊的制度安排保持局部地區的特殊性。所以習近平主席說：「『一國』原則愈堅固，『兩制』優勢愈彰顯。」理解「一國兩制」方針，把握這一點最為緊要。

回首過去是為了面向未來。未來「一國兩制」更長的路應該怎樣走？最為關鍵的一點，就是按照習近平主席的要求，全面準確貫徹「一國兩制」方針。何謂「全面準確」？那就是不論「一國兩制」在實踐中遇到什麼挑戰、如何發展演進，其中要義必須始終堅持，一以貫之。

江天遼闊，前程錦繡。二十五年風雨兼程，香港步入了由治及興的新階段。堅守初心，與時俱進，香港定能續寫「一國兩制」的新篇章。

## **Preface:**

# **Understanding “one country, two systems” after 25 years of implementation**

It has been 25 years since Hong Kong returned to the motherland, as “one country, two systems” has been in practice for just as long and we have definitely learned a lot from so many years of trial and error. President Xi Jinping came to Hong Kong in person to celebrate the 25th anniversary of the Hong Kong Special Administrative Region (HKSAR) and emphasized in his speech at the gathering that the principle of “one country, two systems” must be adhered to for a long time to come, while answering the most important theoretical and realistic questions regarding fully and precisely implementing the “one country, two systems” principle. It is safe to say that he has given us the best guidance on understanding the profound theory, logic and the laws for its daily exercise.

As an unprecedented system experiment, the implementation of “one country, two systems” is widely recognized as a great

success, though, admittedly, not without some disruptions and sabotage by both internal and external hostile forces over the years. Looking ahead, we expect as many challenges, if not more, as Hong Kong does its best to handle the worsening geopolitical situation in the days to come. Having said that, we have the central authorities to thank for the foresight in promulgating the National Security Law for Hong Kong in 2020, followed by the National People’s Congress’ (NPC) decision to improve Hong Kong’s electoral system through local legislation to ensure “patriots administering Hong Kong”. Thus, Hong Kong successfully achieved the transition from severe social unrest to restoring order and rule of law in just two years, allowing the exercise of “one country, two systems” to proceed on the right track again.

Trailblazing system experiments are bound to run into setbacks and mistakes sooner or later, as has been proved true by the exercise of “one country, two systems” in the past 25 years. We have no doubt gained valuable experience and paid a dear price for it. In hindsight, the most important takeaways from 25 years of implementing “one country, two systems”, in terms of better understanding its original intent and philosophy, should include the following:

First, upholding the sovereignty, national security and development interest of the country is the overriding principle

of it all. “One country, two systems” is a system arrangement designed to facilitate the ultimate reunification and good governance of the Chinese nation, in that order. It is stated in the Preamble of the Basic Law of the HKSAR that the establishment of the HKSAR and the exercise of “one country, two systems” in the HKSAR are meant to uphold national reunification and territorial integrity as well as maintaining Hong Kong’s long-term prosperity and stability. Similarly, the general secretary’s report to the 18th National Congress of the Communist Party of China (CPC) also maintains that upholding the country’s sovereignty, national security, development interest and Hong Kong’s long-term prosperity and stability is the fundamental objective of “one country, two systems”. The prerequisite for enjoying this system arrangement privilege is that Hong Kong must fulfill its constitutional obligation of upholding the sovereignty, national security and development interest of the country, especially securing the “three bottom lines” spelled out by President Xi Jinping.

Second, the Constitution of the People’s Republic of China (PRC) and the Basic Law of the HKSAR together make up the constitutional foundation of the HKSAR. The Constitution is the basic law and supreme law of the country; while the Basic Law was made according to the Constitution. That means the Basic

Law cannot be explained outside the context of the Constitution, and the HKSAR does not have its own “constitutional order” or “rule of law” removed from the Constitution of the PRC. This constitutional foundation and order requires the HKSAR to adapt its social system and administration to the social system of the main body of the country. The HKSAR government and Hong Kong residents are required to respect and follow the spirit of the nation’s Constitution and the leadership of the CPC, as well as to respect and uphold the socialist system of the country. Equally important is that Hong Kong society must uphold the authority of the Basic Law and ensure all its provisions are effectively enforced.

Third, the Central People’s Government holds the right to maintain overall jurisdiction over the SARs and shall never be contradicted by the SARs’ high degree of autonomy, which exists only because of the authorization of the Central People’s Government in the first place. Hong Kong’s high degree of autonomy is derived from the central government’s overall jurisdiction over the SARs and therefore may never be separated from each other, or Hong Kong affairs will go awry. The SAR governments are accountable to the central authorities and subject to the latter’s supervision. The central government holds the right to make final decisions over matters concerning the political

system of the SARs; while the SAR governments are responsible for affairs within their respective jurisdiction.

Fourth, the SARs must always maintain an executive-led political structure and governance system. This is an extension of the previous point. When Hong Kong returned to the motherland 25 years ago, it automatically became an integral part of the nation’s governance system again, and this time for good. The political system of the HKSAR must be effectively connected to the political system of the country’s main body. The reality that Hong Kong implements an executive-led governing system is determined by the constitutional order that China is a unitary state and that the SAR status is derived from the Constitution. This constitutional arrangement ensures the chief executive is accountable to the central government. Hong Kong’s constitutional development, therefore, must be conducive to the efficiency of the executive-led governance structure, ensures that the chief executive wields core leadership and authority over the SAR governance, and elevates the performance quality of the SAR government.

Fifth, we must ensure “patriots administering Hong Kong”. “Patriots administering Hong Kong” defines “the people of Hong Kong administer Hong Kong”, which is enshrined in the Basic Law of the HKSAR. That is why the Basic Law also stipulates

that all public servants from the chief executive down swear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China, and pledge to uphold the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China upon taking office. Hong Kong administrators must always keep the country in mind, while the electoral system of the SAR must ensure only sworn patriots are trusted with running the governance mechanism. Only then can we ensure Hong Kong’s governance works effectively in maintaining its long-term prosperity and stability in the best interest of Hong Kong residents.

Sixth, we should maintain Hong Kong’s unique constitutional status and advantages. Implementing “one country, two systems” means maintaining Hong Kong’s characteristics and advantages to the best of our abilities in order to achieve the ultimate reunification of the Chinese nation. Hong Kong is in a unique position to serve the motherland as a “super-connector” while enjoying the unmatched support of the mainland. To capitalize on its unique role and for its future development, Hong Kong needs to integrate its own development into the country’s overall development strategy. It is the best way to secure its irreplaceable role in contributing to the country’s modernization, which in turn will benefit the city’s socioeconomic development. Hong Kong

stands to benefit immensely from playing its unique role in national development and the great rejuvenation of the Chinese nation.

The six points listed above are interconnected and consistent in demonstrating that “one country” precedes “two systems”, and that “two systems” cannot exist without “one country”. “One country, two systems” is a national policy based on the premise that the main body of the country maintains its socialist system, or there can be no “two systems” to speak of. In other words, the mainland is the main body of the country, and its socialist system predetermines the existence of “one country, two systems”. Deng Xiaoping once famously said, “We exercise socialism with Chinese characteristics, which is why the ‘one country, two systems’ policy was created and why two systems are allowed to exist side by side.” He also said, “Without the CPC or socialism with Chinese characteristics, no one can come up with such a policy.” The uniqueness of “one country, two systems” lies in the fact that the socialist system of the main body of the country works alongside the capitalist system of the SARs, with the main body of the country having the SARs’ back at all times and ensuring the latter’s uniqueness thrives under such a unique system arrangement. That is why President Xi Jinping concluded recently, “The advantages of ‘two systems’ are as apparent only

as much as the ‘one country’ principle is solid.” This is the most important key to understanding “one country, two systems”.

We can have a clearer vision of how “one country, two systems” will move on in the future by looking back to the past. There is no doubt that “one country, two systems” must be implemented comprehensively and faithfully, as President Xi Jinping has repeatedly emphasized, which means its fundamental principles must be upheld, whatever challenges it faces during its implementation.

That Hong Kong will have a bright future is as true as the notion that rivers and sky are eternal. The SAR is transitioning from order to prosperity after braving numerous storms along the way over the past 25 years. As long as we remain committed to the original intention of “one country, two systems” as the SAR advances with the times, it will write another splendid chapter in the practice of “one country, two systems” for sure.