

放眼世界

# 高度自治非自治 中央該管就要管

中英社評

主管港澳事務的中央政治局常委、全國人大委員長張德江，前天在港澳政協委員聯組會議上談到「一國兩制」時，就高度自治問題有一番非常精闢的闡述，與會的港區委員和人大代表連日對這一講話都議論紛紛，認為對當前的普選爭議具有極大的指導意義。

張德江在講話中指出：特區實施的高度自治，是中央的法律授權，高度自治並非完全自治，更不代表高度自治後中央便什麼都不管、不能管，中央對特區擁有全面的主權，包括對高度自治的監督權。

事實是，「一國兩制」、「港人治港」、高度自治方針，自誕生之日起，人們都明白三句話是一個整體，即「港人治港」、高度自治是置於「一國兩制」之下的，目的是展示中央對港人的充分理解和信任。更值得高興和欣慰的是，回歸十六年來，對高度自治懷有無限憧憬的市民並沒有失望，中央對特區事務，是可以不管的就不管，甚至連一些可以不管、也可以管的事都選擇放手不管，具體例子就不必一一列舉了。高度自治確是說到做到、「有過之而無不及」的。

然而，遺憾的是，高度自治這一「一國兩制」的「亮點」，近日在普選議題中，在反對派政客和亂港傳媒的歪曲和誤導之下，竟然成了抗衡「一國」、對抗中央的「武器」，這實在是令人憤慨以至震驚的。他們把高度自治扭曲為完全自治，認為二〇一七普選行政長官是特區內部事務，應由港人自己作主，中央不應管、不能管，普選的唯一準則就是「一人一票」，《基本法》和全國人大常委會的有關決定是「假普選」，不能接受。他們提出了遠離《基本法》另搞一套的「公民提名」、「政黨提名」，不如此便要「佔領中環」、否決方案，令普選化成泡影，陷中央於不義、陷港人社會於極度失望和水火之中。

高度自治就是完全自治？高度自治就是中央什麼都不能管和完全不管？高度自治就是連《基本法》和全國人大常委會的決議也可以視同廢紙、棄如敝履？答案顯然是否定的。

事實是，正是由於高度自治不同於完全自治、更不是完全自治，才會有高度自治這一說法，否則，一句自治不就成了，為什麼還要突出和強調「高度」這兩個字呢？例證最少存在於以下幾



▲張德江在講話中指出，特區實施的高度自治，是中央的法律授權，高度自治並非完全自治

個方面：

《基本法》第二章「中央和香港特別行政區的關係」，第十二條白紙黑字寫明：香港特別行政區是中華人民共和國的一個享有高度自治權的地方行政區域，直轄於中央人民政府；

第十三條和第十四條又分別規定：中央人民政府負責管理與香港特別行政區有關的外交事務，中央人民政府負責管理香港特別行政區的防務。

就政制方面而言，《基本法》第四十五條言明：香港特別行政區行政長官在當地通過選舉或協商產生，由中央人民政府任命；第四十八條又規定，特區主要官員由特首提名並報請中央人民政府任命；第一百五十八條更明確了全國人大常委會對《基本法》擁有的最後解釋權。

如此地方行政區域直轄中央、外交、防務、特首任命、釋法等都權在中央，高度自治又豈會等同完全自治、中央不能管？眼前圍繞普選的一切爭議，核心問題正就是要弄明白：中央不能不管，《基本法》不可不依。

2014-03-06

## A high degree of autonomy is by no means full autonomy

Zhang Dejiang, a member of the Communist Party of China's (CPC) Politburo Standing Committee and Chairman of the Standing Committee of the National People's Congress (NPC), talked about "one country two systems" yesterday at the joint meeting of Hong Kong and Macao members of the Chinese People's Political Consultative Conference (CPPCC), and made a clear and penetrating explanation of "a high degree of autonomy". This has since been widely discussed among Hong Kong deputies to the CPPCC and NPC with a consensus that Zhang's explanation provides an utmost important guidance in the current controversy over universal suffrage.

Zhang pointed out in his speech: the high degree of autonomy enjoyed by the SAR is legally authorised by the Central Government. A high degree of autonomy is not a complete autonomy, nor is it meant the Central Government will not and cannot supervise on affairs of the SAR after granting a high degree of autonomy. The Central Government owns complete sovereign power over the SAR including the power to supervise on its high degree of autonomy.

As a matter of fact, since the day when the principles of "one country two systems", "Hong Kong people running Hong Kong" and "a high degree of autonomy" were established, it has been fully understood that the three sentences constitute an integrated whole, i.e. "Hong Kong people running Hong Kong" and a high degree of autonomy are under "one country two systems", and the aim is to show the Central Government's full understanding and trust of Hong Kong people. It is more gratifying to see that citizens who pin their hopes on a high degree of autonomy have not been disappointed over the past 16 years since the handover of Hong Kong. The Central Government has kept its hands off SAR affairs deemed unnecessary for its supervision and even those which fall on the borderline of its supervision. No need to list examples here. A high degree of autonomy has really been practised as promised, and even to a greater extent than promised.

Regrettably, however, such a "shining point" of "one country two systems" as a high degree of autonomy has recently been distorted and misled by opposition politicians and trouble-making media outlets to become a "weapon" against the Central Government over the issue of universal suffrage. This is really outrageous and shocking. They have twisted a high degree of autonomy into full autonomy, and asserted that the election of the Chief Executive in 2017 is an internal affair of the SAR which must be handled by Hong Kong people themselves and the Central Government should not and cannot have a say, and that the sole criterion for universal suffrage is "one person one vote" and what is stipulated by the Basic Law and decisions by the NPC Standing Committee is "fake universal suffrage" and thus is unacceptable. They have made proposals that deviate from the Basic Law such as "nomination by petition" and "nomination by political parties", and threatened to launch Occupy Central and veto any other schemes for the 2017 CE election to make all efforts for universal suffrage end in naught, framing the Central Government into unrighteousness and sinking Hong Kong society into extreme disappointment and misery.

A high degree of autonomy is equal to full autonomy? A high degree of autonomy is meant the Central Government must completely keep its hands off? A high degree of autonomy is meant even the Basic Law and NPC Standing Committee's decisions could be discarded as rubbish? The answer obviously is No.

As a matter of fact, it is exactly because a high degree of autonomy is different from full autonomy that it is called a high degree of autonomy. Otherwise, it could just be simply called autonomy, no need to highlight and stress on the term of "a high degree". Evidence could at least be found as follows:

In the Basic Law's Chapter II : Relationship between the Central Authorities and the Hong Kong Special Administrative Region, Article 12 stipulates in black and white: "The Hong Kong Special Administrative Region shall be a local administrative region

of the People's Republic of China, which shall enjoy a high degree of autonomy and come directly under the Central People's Government";

Articles 13 and 14 respectively stipulate: "The Central People's Government shall be responsible for the foreign affairs relating to the Hong Kong Special Administrative Region," and "The Central People's Government shall be responsible for the defence of the Hong Kong Special Administrative Region";

With regard to political reform, Article 45 of the Basic Law stipulates: "The Chief Executive of the Hong Kong Special Administrative Region shall be selected by election or through consultations held locally and be appointed by the Central People's Government." Article 48 stipulates that the Chief Executive shall nominate principal officials and report to the Central People's Government for appointment. Article 158 further specifies that "The power of interpretation of this Law shall be vested in the Standing Committee of the National People's Congress."

As such, Hong Kong SAR as a local administrative region directly under the Central Government, its foreign affairs, defence, the appointment of the Chief Executive and interpretation of the Basic Law are within the power of the Central Government. In this way, how could a high degree of autonomy be equal to full autonomy in which Central Government has no role to play? The crux of the matter is to make it clear that the Central Government must play its due role and the Basic Law must be followed.

### WORDS AND USAGE

- Pin one's hopes on sb/sth** (idiom) - Put one's hope on someone or something for a successful result. (憧憬，寄希望於……)
  - Examples: 1. The party is pinning its hopes on its new leader, who is young, good-looking, and very popular.
  - 2. She'd pinned her hopes on an early acceptance to the college but it didn't materialise.
- Keep one's hands off (sth)** (idiom) - To refrain from touching or handling something. (不碰，不觸摸)
  - Examples: 1. I'm going to put these cookies here. You keep your hands off them.
  - 2. Get your hands off my book, and keep them off.
- On the borderline** (idiom) - In an uncertain position between two statuses. (兩可之間，可以……也可不)
  - Examples: 1. Tom was on the borderline between an A and a B in Mathematics.
  - 2. Jane was on the borderline of joining the navy.
- As follows** (slightly formal) - As will be stated next. (列舉如下，詳情如下)
  - Examples: 1. The winners are as follows: ...
  - 2. Treatment of your injury is as follows - wash the cut and change the bandage daily.
- Be vested in sb/sth** (phrasal verb) - To be officially or legally given the power or authority to do something. (授予，賦予)
  - Examples: 1. In the United States, executive power is vested in the President.
  - 2. Control has been vested in local authorities.

## 時人名句

### 堅定不移貫徹「一國兩制」

主管港澳事務的中央政治局常委、全國人大委員長張德江，早前在港澳政協委員聯組會議上談到「一國兩制」時，總結了「一國兩制」實踐以來取得的成績，也指出香港發展面臨不少困難和挑戰。中共中央政治局常委、國務院總理李克強亦在政府工作報告中再次重申，我們將堅定不移貫徹「一國兩制」方針，全面準確落實《基本法》，保持香港、澳門長期繁榮穩定。與會的港區委員和人大代表連日對這一講話予以回應，認為對當前的普選爭議具有極大的指導意義。



▲港澳辦主任王光亞表示，「一國兩制」本身，很明顯是一個廣義的定義，自然包含「港人治港」、高度自治，沒有任何政策的變化

「一國兩制」本身涵蓋的意思包括了「港人治港」、高度自治，是應有之義。這幾年中央開會講話是需要精簡要短，因此不提這八個字，但「一國兩制」本身，很明顯是一個廣義的定義，自然包含港人治港、高度自治，沒有任何政策的變化。

中聯辦主任張曉明：明白港人對於李克強總理在政府工作報告中沒提及「港人治港」、高度自治所產生的憂慮。據了解，工作報告沒有同時提到「港人治港」、高度自治，主要是為了精簡文字，沒有任何特別含意，亦不能理解為或意味着中央對港方針政策有任何改變，重申港人不需顧慮，亦不要過度擔憂或過度敏感。

行政長官梁振英：「一國兩制」、「港人治港」、高度自治是國家對香港特別行政區一直以來多番強調的管治方針，亦是在《基本法》中所清楚列明的。總理在報告中強調，將堅定不移貫徹「一國兩制」方針，全面準確落實《基本法》。這亦是我們在政改討論和諮詢過程當中，特區政府反覆強調的憲制基礎。

政務司司長林鄭月娥：「一國兩制」、「港人治港」、高度自治是國家對香港的一貫管治方針，我在過去多場政改座談會，都反覆強調這個憲制基礎，呼籲社會各界團體尊重。

全國政協常委陳永棋：這份工作報告是經過深思熟慮，字字珠璣。「一國兩制」這四個字已講清楚，包含了一切。

全國人大常委范徐麗泰：普選的定義就是香港市民有權去投票選行政長官，搞公民提名的人是另搞一套，「如果你（反對派）所認的普選，你作出的要求是《基本法》裡面沒有的，如果無的話，就要癱瘓香港的金融中心，咁咁會真是想為了普選呢？」

港區全國人大代表團團長譚惠珠：中央收回香港前，特別在《基本法》中提到要實行普選，普選是中央賦予香港，並非其他派別爭取而來，故香港必須按《基本法》規定落實普選。

基本法委員會副主任梁愛詩：普選並非只是香港的事，亦關乎國家繁榮穩定、國家安全和利益，要認真處理，不能如進口設備般引進外地的政治制度，要顧及實際情況。

港區全國人大代表陳智思：張德江強調《基本法》的重要性，目前香港坊間有很多不同政改方案出來，但相信最終的方案只有一種，就是要根據《基本法》的規定推舉香港的特首。

港區全國人大代表黃友嘉：只有行政長官不與中央對抗，香港的高度自治才能得以維護，因此行政長官不可與中央對抗的原則，並非只是為了保障中央，而是為了大家好，包括香港的反對派。

長實集團主席李嘉誠：香港在1997年回歸中國，「一國兩制」更是開創先河，在歷史和國際上都是獨一無二，相信香港人有足夠智慧作出決定。「一個要為香港人服務的領導，怎可能不愛國家、不愛香港？」

## 時事英語

### 泛民議員做政治投機騷

2月22日，立法會三讀（third reading）通過《2012年印花稅（修訂）條例草案》（Stamp Duty (Amendment) Bill 2012），使之成為法律，政府可以將已按此條例徵收的額外印花稅款正式收歸庫房。

為打擊樓市炒風（speculation）、防範樓市潛在泡沫與風險，政府於2012年10月出招，規定買入住宅三年內賣房需支付10%至20%的「額外印花稅」（Special Stamp Duty (SSD)）；2013年2月再次出招，規定非香港永久性居民和所有公司購房需另繳納15%的「買家印花稅」（Buyer's Stamp Duty (BSD)），加重非港人的置業和炒樓成本。這兩招出手夠重，故被稱作「雙辣招」（two effective measures）。

該草案只需投票時在場的多數議員贊成即可通過。投票時，泛民（pro-democratic）議員集體離席（walkout），法案成功通過（pass）。事後，他們見傳媒，振振有詞地（argumentatively）說他們根本無意推翻草案，因為草案原意有利民生，但他們不滿政府以口頭承諾（verbal commitment）取代將「加辣」要經立法會審議的條文寫入法例，故離場抗議，而讓議案在建制派（pro-establishment camp）護航下獲得通過。公民黨梁家傑還指責政府今次以口頭承諾代替立法，是人治（rule of man）取代法治（rule of law）的表現。

可是，這種辯解不符邏輯（illogical）、難以服眾（unconvincing）。立法會議員的一項重要職責是審議政府提出的法案並表決，同意就投票支持（vote for），不同意就反對（vote against），不便同意也難以反對還可以投棄權票（fuzzy abstention）。泛民議員此次的做法和解釋顯然違背了形式邏輯（formal logic）的排中律（the law of excluded middle），即兩個互相矛盾的思想不能都假，必有一真。看來，他們的思維使用的是所謂的「模糊邏輯」（fuzzy logic）。也有評論指出，這是他們另一次不講原則（unprincipled）、只重選票的政治投機表演。亦然