

# The Constitution of Hong Kong (Mainland and Overseas)

We, the people of Hong Kong, declare The Constitution of Hong Kong (Mainland and Overseas).  
[1]

### Section 1

Cantonese shall be the official spoken language and Chinese Traditional the official written language. An institute shall be set up to promote them worldwide.

English shall also be an official language.

Portuguese shall be a recognised language in the government.

### Section 2

The government [2] system shall be unicameral, parliamentary [3], proportional representation (party list proportional representation, largest remainder method and Droop quota) [4]. Judiciary branch shall follow common law system.

Section 5 shall take precedence over Section 2.

Total number of Member of Parliament (MP) shall be 50.

Everyone shall have the rights of standing for being elected, but there shall be minimum votes for the person to get subsidised by the government if the candidate fails to be elected successfully.

The amount of subsidy given to a candidate by the government shall be inversely proportional to the amount of finance of a candidate already possesses, including the amount subsidised by his party. A candidate shall not receive subsidy if his possessed finance is above a limit.

There shall be a cap to the amount of finance a party possesses. Maximum total amount of fund that a party can hold at a time shall not exceed 50% of the funds of all parties combined. Excess shall be surrendered to the government in the form of tax [5].

All parties shall be non-profit organisations.

Candidates and parties shall disclose all income sources. Candidates and parties shall state the existence of the donation from big donors in every election ad, to let voters acknowledge this when making the voting decision. Media companies shall disclose their income sources during election period.

Any individual elected shall not be in position of a private company 0 days before taking the post and within 365 days after leaving the post.

Anyone shall not by any means offer interests to voters, including but not limited to organising trips, giving away food, drink, red pockets, calendars, souvenirs and holding passport photo taking day; and they can only convince the voters to vote for them by words of mouth. Approved activities of promotion include but not limit to handshaking, setting booths on streets and distributing pamphlets. [6]

All candidates shall disclose all finance, holdings, investment, properties owned prior to standing for the election. There shall be a statutory body to assist with it.

Every term of parliament shall be 4 years. [7]

No restriction on repeated terms shall be imposed. [8]

Electors and MP shall be the citizens of the state.

Elector age limit: 18-65 (as of the date of election). [9] No compulsory voting in the elections. [10]

MP age limit: minimum 23 and no maximum (as of the date of election).

By-elections shall be held in 3 months after vacancy happens, but shall not be held within 6 months before the next general election.

Elections shall be held on Sunday only.

The cabinet shall be formed by the one or two of the three parties with the highest number of votes. The one with the most votes (>50%) of these three parties combined shall form the cabinet. If no party has a majority of votes the three parties got, any two of the three parties shall liaise with one another to produce a cabinet within 3 days after the general election. If, after 3 days, no parties

managed to form a coalition government, the party of the highest number of votes shall form the cabinet.

The Prime Minister (PM) shall be from the cabinet, which shall be formed from the elected MPs.

Every newly appointed PM shall, at the time of starting the duty of PM, make a list of cabinet members who might take over his duty in descending order of preference, whether temporarily or permanently, should he become sick, permanently ill or not carry out his duties anymore.

PM shall be the commander in chief of the military force.

The parliament shall have no impeachment right against the PM.

PM shall have no pardoning power.

MPs, except for treason and murder, shall be privileged from arrest during their attendance at the parliament, in going to and returning from the same. Their speech shall be protected by law.

Parliament shall be the only place where voting by the MPs is allowed, except when the chairman of the parliament declares that the parliament is physically damaged and could not function as a physical parliament.

The parliament shall have the power to collect tax, borrow money on the credit of the state and declare war.

Each MP has one vote in the parliament.

A bill shall be passed if the number of yeas votes account for more than 50% of the valid votes made at the parliament. The chairman of the parliament shall vote if his one vote is critical to the outcome. [11] [12] A valid vote in the parliament means a ballot with the yea or nay marked clearly and only.

The chairman of the parliament shall not be the PM or any member of the cabinet.

PM shall have self-willingness to lead the state, however no test shall be required. His salary shall be moderately paid. [13] [14]

Government shall have ministers responsible for areas of democracy, treasury, business and trade, health, social security, education, housing, transport, environment, culture, security, military and diplomacy.

There shall be a daily meeting between ministers to resolve any dispute or to facilitate communication from Monday to Saturday, even if public holiday happens on any day between Monday and Saturday.

### Section 3

A Military Force shall be engaged in the proximity of Hong Kong for its defence.

Compulsory military service shall be necessary for all men aged between and inclusive of 18 and 45.

### Section 4

A Court of War Crime and a Court of Justice shall be established. The Court of War Crime shall trial the enemies and the Court of Justice shall trial the non-enemies.

### Section 5

The gov shall enact Protection of Democracy Act to ensure the security of the delicate Democracy. Under this Act:

1. Media: There shall be no enemy's media running in the state, no use or enjoyment of enemy state's media, no investment or any kind of influence from the enemy in local media. Media shall not report things that could promote a good image of the enemy.
2. Tech companies: censorship shall not serve for enemy's purpose.
3. Free speech: The use of free speech to make a statement or suggest the idea that authoritarianism/totalitarianism is better than democracy or to support, promote or spread enemy's ideas shall be banned. Disinformation shall be used to counter the

disinformation of the enemy.

4. Individuals: Compulsory legal oath shall be taken by citizens to safeguard democracy. Individuals shall spy on all Chinese descendants constantly. A channel of communication shall be in place to allow individuals to report on any activities that might harm the Democracy. [15] Communication with enemy in any forms shall be prohibited, except that people shall be encouraged to send to enemy's people letters or emails that carry the good faith of democracy.
5. Institutions: Closure of all enemy's business and seizure of all enemy's capital shall be completed. No trading with enemy shall be allowed. The use of enemy's currency, goods or services shall be prohibited. A Justice of Democracy shall be seated at all schools, businesses and institutions to monitor the compliance of institutions with democracy and to report on any activities that might harm democracy. Sanction of enemy and enemy's business shall be taken globally.
6. The Court of War Crime: All enemies shall be deemed as war criminals and shall not enjoy the protection by law, including the protection of civilian rights. Individuals who break the Act shall be regarded as enemies.  
The Court of Justice shall classify if an individual or an entity is the enemy. Once classified as enemies, the only way for trial to take place against them shall be at the Court of Justice, where retrospective prosecution shall be proceeded. Decisions made at the Court of War Crime shall be final and no appeal shall be accepted.  
The government shall produce a list of war criminals and the candidate shall be updated from time to time. Use of reciprocal hostage diplomacy shall be used if necessary.
7. Civil education: Democracy shall be promoted on television, radio, internet and other possible platforms.
8. Election: Anyone who breaks the Act shall not be allowed to vote/be voted. People's attention shall be drawn to the existing enemy's influences on the elections.
9. Humanitarianism: It shall not apply to the enemy.
10. Immigration: The government shall keep a record of the identities of the members of the enemy. People travelling from China to the state shall declare if they were/are enemy.
11. Technology: People who stole technology or intelligence from the enemy shall be awarded and honoured.
12. Privacy: The personal particulars of the members of the enemy shall be openly accessible by the public.

## Section 6

The judiciary branch shall review the implementation of rule of law, anti-corruption, democracy, freedom and human rights regularly and submit report of improvements to the parliament.

An Independent Commission Against Corruption shall be set up to enforce anti-corruption laws in the state.

An independent Audit Department shall be set up to provide law-enforceable measures of improving efficiency to the government.

## Section 7

An official history book of Hong Kong between and inclusive of 1841 and now and that of Macao between and inclusive of 1557 and now shall be compiled by the government.

The government shall mandate the publication of official Cantonese textbooks, the production of Cantopop which shall include but not limit to music, dramas, films and literature, and the completion and operation of a Hollywood-style filming centre that produces Cantonese movies.

The government shall establish a Hongkonger's university overseas that offers tertiary education to the descendants of Hongkongers.

Section 8

A citizen of the state shall be defined as:

- (1) Any subject born in British Hong Kong before 1 July 1997 or in Portuguese Macao before 20 December 1999.
- (2) Any subject who obtained permanent residency in British Hong Kong before 1 July 1997 or in Portuguese Macao before 20 December 1999.
- (3) Any subject whose biological father or biological mother is either (1) or (2) and the subject was born in Hong Kong or Macao.
- (4) Any subject whose biological father or biological mother is (3) and the subject was born in Hong Kong or Macao.

Section 9

The flag of the United Kingdom of Great Britain and Northern Ireland shall be the national flag. God Save the Queen shall be the national anthem.

The flag of British Hong Kong used on 30 June 1997 shall be the flag of the state. Glory to Hong Kong shall be the state's anthem.

Section 10

Small House Concessionary Right in New Territories shall be revoked. But owners of the properties shall continue to own them and exercise their rights as property owners under the protection of law.

All debt and land lease issued by the former Hong Kong and Macao governments continue to be recognised by the state.

All China's constitutions and laws, Basic Laws, National Security Laws, Anti-Mask Law (Chapter 241K), Hong Kong Special Administrative Region Passports Ordinance (Chapter 539), Chinese Nationality (Miscellaneous Provisions) Ordinance (Chapter 540), Electoral Procedure (Rural Representative Election) Regulation (Chapter 541L) [16], Maximum Amount of Election Expenses (Chief Executive Election) Regulation (Chapter 554A), Maximum Amount of Election Expenses (Rural Representative Election) Regulation (Chapter 554B), Heung Yee Kuk Election Expenses Order (Chapter 554E), Maximum Scale of Election Expenses (Rural Committees) Order 1995 (Chapter 554H), Chief Executive Election Ordinance (Chapter 569), Rural Representative Election Ordinance (Chapter 576), Mainland Judgments (Reciprocal Enforcement) Ordinance (Chapter 597) and Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Ordinance (Chapter 632) shall be abolished.

Oaths and Declarations Ordinance (Chapter 11), Legal Aid Ordinance (Chapter 91) [17], Telecommunications Ordinance (Chapter 106), Immigration Ordinance (Chapter 115), Books Registration Ordinance (Chapter 142), Societies Ordinance (Chapter 151), Police Force Ordinance (Chapter 232), Prisons Ordinance (Chapter 234), Public Order Ordinance (Chapter 245), Registration of Local Newspapers Ordinance (Chapter 268), Hong Kong Bill of Rights Ordinance (Chapter 383), Film Censorship Ordinance (Chapter 392), Personal Data (Privacy) Ordinance (Chapter 486), United Nations (Anti-Terrorism Measures) Ordinance (Chapter 575), Interception of Communications and Surveillance Ordinance (Chapter 589), Independent Police Complaints Council Ordinance (Chapter 604) and Anti-Money Laundering and Counter-Terrorist Financing Ordinance (Chapter 615) shall be amended in the spirit of democracy and human rights. Private Bills Ordinance (Chapter 69) shall be amended in the way that bills shall be proposed by MPs only.

British Nationality (Miscellaneous Provisions) Ordinance (Chapter 186), Colony Armorial Bearings (Protection) Ordinance (Chapter 315), British Nationality Act 1981 (Consequential Amendments) Ordinance (Chapter 373) and Legislative Provisions (Suspension of Operation) Ordinance (Chapter 530) [18] shall be revived with or without amendments.

Macanese laws shall be abolished, with the exception that some Macanese laws shall be introduced by legislative means if still found to be relevant.

The parliament shall review, amend or repeal any other laws in the state's legal system that are against the principle of democracy, whether or not they were passed and enacted in the

Communist-controlled period.

### Section 11

Amendment to the constitution can only be made by referendum of the citizens of the state. The required votes to pass an amendment shall be 2/3 of the validly voted. The ballots shall contain options of Yea and Nay. Blank ballots or ballots inappropriately marked shall be regarded as invalidly voted and shall not be counted towards the total number of valid votes. Ballots shall not contain single negative or double negative questions.

If a referendum fails to pass a proposal, the next referendum of the said proposal shall only be made at or after the second next general election. For example, if 2000, 2004 and 2008 were the years of general election, and a referendum happened in 2001, the earliest next possible referendum could only be in 2008.

Referendum shall be used in constitution amendments only. Referendum date and the issues for referendum shall be published on gazette 365 days before the referendum.

### Section 12

The word “enemy” shall refer to the members of the Communist (anyone who was or is such), members of the government or institutions in China, Hong Kong or Macao who have served a role in assisting authoritarianism or damaging democracy (key date for China is after 30 September 1949, for Hong Kong after 30 June 1997 and for Macao after 19 December 1999), people who have taken oath of declaration of loyalty to the regime, and any other individuals whom the Court of Justice considers to have assisted authoritarianism or to have damaged the democracy of China, Hong Kong or Macao.

People who are not the said “enemy” shall be the non-enemy.

Unless otherwise “Hong Kong” and “Macao” are used at the same clause, “Hong Kong” shall refer to the territory of the former Hong Kong Special Administrative Region, the area between the old and the new estuaries of Sha Tau Kok River, the territory of the former Macao Special Administrative Region, Dahengqin Island and its associated islands, Xiaohengqin Island and its associated islands, artificial islands created by the Hong Kong Zhuhai Macao Bridge Project, plus the cluster of islands located at or less than 50 kilometres directly south of Pearl River Estuary and Hong Kong. The same shall apply to “Hongkongers” and “Macanese” when interpreting the clauses.

The power of interpretation of the Constitution and the laws of the state shall be vested in the court exclusively.

### Signatures

## Footnotes

[1] System, political talents and smart citizens are vital for a well-functioned democracy.

Joining the UK as a British Overseas Territory shall be a prerequisite before exploring the likelihood of being a sovereign nation, because Hongkongers are not yet fully developed in the management of their own nation and the administration of their own government. Failed state may result if things happen in a rush.

The use of the words “Mainland” and “Overseas” in the title of the Constitution has a meaning:

“Wherever Hongkongers live, it is a Hong Kong. Hongkongers do not live in the geographical Hong Kong only, but in many cities in the world. Thus the idea of Overseas Hong Kong becomes relevant. Through unity and hard work of Hongkongers, Overseas Hong Kong will bring liberation to Mainland Hong Kong, and the two shall unite as one.”

[2] Criteria of a good government.

1. Rule of law
2. Efficient governance (about the design of the system. Usually done by elites of sound knowledge and capacity such as Singaporean officials)
3. No corruption
4. Consent and agreement by all people (about the design of the election)
5. No abuse of power, even if there is no corruption already (either by good character of the governing people or through external check. External check is preferable since the governing people have relatives and their own career connections before working in the government. External check is easier to achieve than being a person of good character.)
6. Its people need to be smart as well to monitor their government.

\* separation of power is not one of the criteria as converged power can still allow for a good government as long as the above criteria are satisfied.

[3] Merits of parliamentary:

1. Legislature and execution are closely related.
2. By choosing ministers who share the workload of a leader, they are specific to their tasks.

Weaknesses of presidential:

1. A president is never able to oversee everything himself.

[4] Largest remainder method is simpler than highest average method; Droop quota favours larger parties.

Some suggest first past the post to achieve harmonic relationship between legislature and executive, and stable governance. Opting for proportional representation is due to the result of the consultation launched by the Hong Kong Shadow Parliament in 2020.

Suggested candidates for the first election are those who had been elected in the Legislative Council Election (aka Geographic division) from 1 July 1997 to 31 August 2020 and those who had been elected in the District Council Election from 1 July 1997 to 31 August 2020.

A non-exhaustive list of the possible MP-to-be-elected:

<u>Name in English</u>	<u>Name in Chinese</u>
Cyd Ho	何秀蘭
Albert Ho	何俊仁
Wing Tat Lee	李永達
Cheuk Yan Lee	李卓人
Martin Lee	李柱銘
Fred Li	李華明
Margaret Ng	吳靄儀

James To	涂謹申
Man Kwong Cheung	張文光
Christine Loh	陸恭蕙
Yiu Chung Leung	梁耀忠
Chung Kai Sin	單仲偕
Sum Yeung	楊森
Emily Lau	劉慧卿
Andrew Cheng	鄭家富
Audrey Eu	余若薇
Alan Leong	梁家傑
Kwok Hung Leung	梁國雄
Ka Ki Kwok	郭家麒
Fernando Cheung	張超雄
Albert Cheng	鄭經翰
Anson Chan	陳方安生
Nai Wai Kam	甘乃威
Tanya Chan	陳淑莊
Yuk Man Wong	黃毓民
Claudia Mo	毛孟靜
Gary Fan	范國威
Charles Mok	莫乃光
Raymond Chan	陳志全
Dennis Kwok	郭榮鏗
Alvin Yeung	楊岳橋
Andrew Wan	尹兆堅
Eddie Chu	朱凱迪
Cheuk Ting Lam	林卓廷
Ka Chun Shiu	邵家臻
Edward Yiu	姚松炎
Ted Hui	許智峯
Baggio Leung	梁頌恆
Regine Yau	游蕙禎
Siu Lai Lau	劉小麗
Roy Kwong	鄺俊宇
Jeremy Tam	譚文豪
Nathan Law	羅冠聰
Nok Hin Au	區諾軒
Chin Shek Lau	劉千石
Albert Chan	陳偉業
Kin Shing Tsang	曾健成

[5] Similar to the idea that a tech giant must disintegrate, e.g. Facebook, Google.

[6] The idea is about being cool to people but fair of election.

[7] No open public promotion, only by word of mouth. This is to ensure people focus on work and merit of candidates rather than ad campaign or unpragmatic debate among candidates.



[8] Because of elitism.

[9] Young people should be leading and bringing change to the state.

[10] No forceful voting and no penalty for not voting, as people could make voting decision of no sense if forced to vote.

[11] 2 possible situations in the parliament

Too co-operative ( <i>less likely</i> )	Too competitive ( <i>more likely</i> )
All bills passed	Few/no bills passed
If it is a genuine consent, it is unanimous and agreed by most people.	Voters may be happy to be in status quo or vote for parties that compromise in the next election.
If it is not a genuine consent, voters will know it and eliminate the parties that did not bargain with big parties.	

[12] Plurality does not mean collective intelligence of the people, as people are affected by consumerism, selfishness, playfulness, individualism. Expert advice is needed in deciding policies for some issues.

[13] Leaders of democracy must be self-willing to lead, they could not be forced to lead the people. Leaders are those who are aspired by Heaven/God to lead. But they must be moderately paid, otherwise too low of a salary attracts no talent; too high keeps them in power for too long.

Decision making should be based on sound reasons, not by sentiments.

[14] Criticism

1. How can the people elected/ candidates be unbiased? (about neutrality) It is good to start from individuals of no party, but individuals form groups, and groups fight one another.
2. Do bills get passed by (1) elites (who could be authoritarian), (2) representatives of the popular (who might be populist), or (3) both at the same time? Solution is to allow only professionals running in the election, chosen by people.
3. Individuals are impossible to enter parliament.
  - They must join parties or form parties with similar people in the election, since this system is in favour of majority-led or party-led government.
  - Or if they have popularity, they may enter the parliament by 1-man list. But one person cannot really affect the outcome of decision making in the parliament.
4. With more donations, it is easier to win in the election, due to more investment in ad.
  - True. But regulations require each party to display a disclaimer of the exact amount of donation it received. Any party which fails to do this gets a big fine equivalent to 10% of the fund of the party. This disclaimer will be once again shown at polling stations to remind voters of this.
5. There is no way to counter foreign interference in the election.
  - The election board would disclaim the presence of influence of foreign interference to voters. Anyone who is found to have called for foreign interference is liable to sentences and imprisonment. This disclaimer will be once again shown at polling stations to remind voters of this.
6. How to prevent “someone running for election only for the feeling of running for it, someone who loves power running for election, or someone who is a populist running for it?”

[15] Regular self-cleansing mechanism to ensure pure democracy could last for perpetuity.

[16] To make equal of people that no people of rural background shall be privileged.

[17] For easy access of the unprivileged to legal aid.

[18] About the representation of labour union in employer-employee dispute.

# Laws and Policies

# Proposed Laws and Policies in Long Term:

## 1. Hong Kong Festivals to be observed:

<i>Holiday</i>	<i>Non holiday</i>
26/1 Establishment Day of Hong Kong	
Chinese New year (2 days) – to be about planning for a new year	
Easter (2 days)	
Ching Ming Festival – to commemorate the lives lost in the fight for democracy	
Dragon Boat Festival – to honour Chan Yim Lam, whose body was found in Junk Bay during the protest period	
	4/6 June Fourth Tiananmen Massacre
Queen's birthday	
	9/6 Anti Extradition Bill Amendment protest (1M people)
	12/6 Anti Extradition Bill Amendment protest (student protest)
	16/6 Anti Extradition Bill Amendment protest (2M people)
	1/7 The anti-Chinese Communist Party (CCP) establishment day/ Anti-CCP regime in Hong Kong
	4/7 US National Day
	21/7 Yuen Long's Night of Indiscriminate Assault
	31/8 At Prince Edward Station Popo beating protestors (possibly to death) on trains
The day following Mid-autumn Festival – with a hope to liberate Hong Kong	
Chung Yeung Festival – to commemorate the lives lost in the fight for democracy	
	1/10 Anti-CCP regime in China, Popo killing people in Tsuen Wan
	10/10 National Day of the Republic of China
	11/11 Battle of Chinese University of Hong Kong
	Winter solstice – Reunion, reflection of the year
25/12, 26/12 Christmas and Boxing Day (2 days)	
Total: 12 days	Total: 12 days

\*A Hong Kong Fest shall be launched in foreign countries to promote the holidays in the state.

2. Ghost temples should be established in the world to condemn on all war criminals who have betrayed Hong Kong or Macao. Promotion of fried dough stick with a meaning of eating/killing the war criminals.

3. Official naming in English should be adopted:  
The regime in Beijing is called “Communist China”.

#### 4. Lottery campaign/stock campaign

The use of lottery to let people bet the fall of CCP.

5. Multilateral liaison to gain political power. E.g. One Belt One Road initiative to promote democracy in Taiwan, Hong Kong, Thailand, Myanmar, Belarus; establish Tungmenhui of China to unify the front against CCP, in which members could be individuals or organisation, e.g. World Uyghur Congress and Inter-Parliamentary Alliance on China.

6. Obtaining moral high ground and getting more support and political momentum by asking Chinese people to fight Communists together with Hongkongers and Macanese.

7. Officially classifying CCP as a terrorist organisation, a Nazi party, a Fascist state, a military state, an Axial Power and a triad organisation.

8. Extreme use of its (CCP) ways to overwhelm it, e.g. people of enemy confess on TV.

9. The need to create a common enemy of democracy to unite people of democracy (develop a sense of crisis that democracy is destroyed by the enemy).

10. Culturally – positioning Cantonese as a language that has strong link with Korean, Vietnamese, Japanese (or even slightly communicable); Develop Cantonese gaming apps based on Hong Kong setting; Produce Hong Kong version of Simpson cartoon to predict Hong Kong future; Produce China version of Borat in USA.

11. To join Inter Parliamentary Alliance against China.

12. To establish Hong Kong Coast Guard.

13. To establish Hong Kong Office in countries in the world.

14. To design and produce Hong Kong passports and ID cards for Hongkongers.

15. Demanding UK government to grant British National Overseas holders UK citizenship.

16. Together with Taiwan to persuade governments and media organisations in the world to abandon the use of Simplified Chinese, to adopt TRADITIONAL CHINESE and to convert all published Simplified Chinese content into TRADITIONAL CHINESE, in order to save and restore the priceless Chinese culture.

17. Running international lobbying teams: the East Asia Team of Japan, South Korea, Taiwan and Hong Kong; the China Team of East Turkistan, Tibet, Inner Mongolia and Hong Kong; the South Asia Team of Indonesia and the Philippines due to historic link of domestic helpers; the Indo-Pakistan Team of India and Pakistan due to the presence of Indian and Pakistani in Hong Kong; the Milk Tea Alliance of Taiwan, Hong Kong, Thailand, Myanmar and Belarus; the Hongkongers Overseas Team of the UK, the US, Australia, Canada and New Zealand; the European Union Team; and the non-European Union European Countries Team.

18. Allowing political parties of foreign countries to provide advice to the government, represent the people of Hong Kong, or run for elections of Hong Kong.

## Things to Do Immediately Once It Is Liberated:

- A transitional government to be established, which will decide the date of the next general election.
- To implement the Constitution with immediate effect.
- To keep all laws in Hong Kong, except those mentioned in the Constitution.
- To arrest and conduct trials of the war criminals defined by the Constitution.
- To close Hong Kong Zhuhai Macao Bridge for economic reason.
- To permanently close West Kowloon Terminus.
- To think about how to make democracy stronger than authoritarianism.
- Immigration policy: people who are not eligible to become citizens as laid out in the constitution may apply for non-transferrable residency.
- To establish a new football team representing Hong Kong that will participate in international matches.
- Police officers must show their id.
- To cancel one way permit of Chinese immigrants immediately. Existing holders of such in Hong Kong shall be sent back once their visa expire.
- To legislate to ban China's flag, ensign, anthem and Simplified Chinese in the territory.
- To remove all items related to the Communist Colonisation Period, e.g. Bauhinia Square, the Monument in Commemoration of the Return of Hong Kong to China, Spiral Lookout Tower in Tai Po.
- To rectify the fengshui disaster created by the Communist regime, e.g. Wisdom Path in Lantau, K11 mall (with horrifying monster features).
- To forbid the operation of all China-based firms. Banknotes issued by Bank of China shall be recalled.
- To forbid the naming of buildings with the word "China".

## Things to Do Before Liberation:

- The funding model for a temporary overseas government shall be investigated.
- The way to get elections done in both Mainland Hong Kong and Overseas Hong Kong by either physical polling, virtual polling or both shall be explored.
- Land shall be sought as the base for the running of the temporary overseas government.
- A temporary overseas government shall be established.
- To launch a ship called the Ship of the State of Hong Kong, where the laws of the temporary overseas government shall apply, which may hold tour across globe for Hong Kong Independence Movement, and which may be deemed as the moving sovereignty of Hong Kong.
- Establishment of a security force for the liberation of Hong Kong.
- Anything mentioned in this document.

# Afterword (to be read by the citizens of People's Republic of China)

1. The sovereignty of the Republic of China has not ceased since 1911, but Chinese Communist Party (CCP) made the mainland region secede from it on 1 October 1949, proclaiming the establishment of the People's Republic of China – the concrete proof of secession of China. Hongkongers are inspired by Mao Zedong and are determined to follow his suit. It is either that: there is no Hong Kong Independence; or it was a Communist-plotted Independence from the Republic of China in 1949.
2. CCP has been promoting the use of Simplified Chinese with the aim to eradicate the illiterates. Whereas in Taiwan, TRADITIONAL CHINESE has been in usage for decades and has empowered people to preserve the Chinese culture while enabling themselves to read old literatures. Taiwan's literacy rate is higher than China's and Taiwanese are way better than mainlanders in terms of public wisdom. It is concluded that TRADITIONAL CHINESE is more historically associated and more advanced than Simplified Chinese.
3. Before and after the secession of mainland by CCP in 1949, lots of scholars, poets and authors fled from mainland to Hong Kong, turning Hong Kong into a cradle of the Chinese civilisation. But since the transfer of its sovereignty in 1997, the autonomy of Hong Kong had been breached and completely in 2020 with the implementation of National Security Law, making it a city that has no difference to the rest of the cities in China.



# 香港（本土及海外）憲法

香港已死，市民受苦，香港人謹此成立政權，宣讀《香港（本土及海外）憲法》[1]，重建香港這個家。

## 第一章

官方中文口語為廣東話，官方中文書寫為正體字，另設一機構在全球推廣廣東話和正體字。  
英文也是官方語言。  
葡文須為政府承認之語言。

## 第二章

政府體制 [2] 為議會制 [3]、單議院、比例代表制（名單比例代表制、最大餘額法和特羅普數額）[4]。司法制度為普通法。

第五章如與第二章有出入，蓋以第五章為準。

國會議員人數為五十。

每人皆有被選之權利，唯候選人落選的話，須得到一個最低票數以取得政府選舉資助。

每名候選人所得之政府選舉資助須與該候選人已有之財力成反比，已有之財力包括受其政黨資助之金額，候選人已有之財力若高於某上限則不得受資助。

政黨財力須有上限，政黨財力不能高於所有政黨財力總和的五成，超出金額須以稅繳付政府。[5]

政黨須以非牟利組織註冊。

候選人和政黨須公開收入來源，兩者須在每一選舉廣告中註明大捐款者名稱，讓選民知道從而決定取向，傳媒亦須在選舉期間公開收入來源。

當選人不得於就任前零天或於離任後三百六十五天內任職私人公司。

任何人不得向選民提供利誘，包括但不限於組織旅行團、派食物、飲品、利是、日歷、紀念品、影證件相，他們只能以口傳形式推銷候選人，合法方式有握手、設立街站、派傳單。[6]

候選人須於參選前公開財務、持股、投資、物業，一法定機構會協助候選人公開這方面資料。

每屆國會年期為四年。[7]

不設任期上限。[8]

選民和議員須為國民。

選民年齡限制：只准十八歲或以上，至六十五歲或以下的人（以投票日計）。[9] 不設強制投票。[10]

議員年齡限制：只准二十三歲或以上（以投票日計）。

除非下屆大選於六個月內舉行，補選須於議席懸空後三個月內舉行。

投票日須於星期日舉行。

內閣須由得票最高之三個政黨之其中一或兩個政黨組成。而在這三個政黨之總得票中，得票過半之政黨即組成內閣；若無政黨過半，其中兩個政黨須於大選後三天組成內閣；若仍然未有內閣，這三個政黨中最高得票者即為內閣。

議員組成內閣，而內閣推舉首相。

每位首相須在上任時訂立一份危急情況下移交權力之表，順序列明內閣第一接棒人到內閣最後接捧人。

首相即為軍方統帥。

國會無彈劾首相之權力。

首相無特赦權。

議員如非犯了叛國或謀殺，有暢通無阻往返國會出席會議之權利，他們的言論須受保障。

除非議長宣佈國會設施受破壞，不能作會議之地，國會乃議員投票之唯一地方。

國會有權徵稅、以國家名義舉債、發動戰爭。

每名議員在國會擁有一票。

每項議案若從有效票內取得過半贊成票即獲通過，議長僅能在其一票足以影響結果之情況下投票。[11] [12] 議會內之有效票為一張只在贊成或反對欄目劃上別號之票。

議長不能由首相或內閣成員擔任。

首相須有帶領國家之意志，唯無須接受意志測試。首相薪資宜適中，不太高亦不太低。[13] [14]

政府須設大臣主管民主、財政、經貿、衛生、社保、教育、房屋、運輸、環保、文化、保安、軍事、外交範疇。

大臣之間須在星期一至六開會，遇上假期亦然。

### 第三章

軍隊須在香港一帶防衛。

行當軍制，所有十八歲或以上，四十五歲或以下男人須服兵役。

### 第四章

設立戰爭法院和普通法院，戰爭法院審理敵人，普通法院則審理非敵人。

### 第五章

政府須立《民主安全法》保障民主。在此法下：

1. 傳媒：敵人屬下之傳媒不得在國內經營；任何人不得收看、收聽敵人傳媒；敵人不可投資或影響本國傳媒；傳媒不得發佈有助敵人樹立正面形象之資訊。
2. 科技公司：科技公司不得協助敵人審查內容。
3. 言論自由：任何人不得明示或暗示專權、威權或極權比民主優勝，任何人不得散播敵人思想。以己方假資訊對抗敵人假資訊。
4. 個人：所有國民要宣誓忠於民主，國民要時刻監察身邊的華裔人，政府須設一種通訊方式讓人舉報任何可能破壞民主之事。[15] 除國民應受鼓勵向敵方輸出民主福音，否則不准與敵通訊。
5. 機構：關閉所有敵人機構，充公其財產。不得與敵交易。不得使用敵人貨幣、貨品、服務。於各機構、公司、院校設一民主監督監察民主落實之情況，監督通報違反民主之事情。於全球制裁敵人及其機構。
6. 戰爭法院：所有敵人皆視為戰犯，不享法律保護，包括公民權利的保障。個人若違反《民主安全法》即以敵人論。

普通法院須判斷個人是否敵人，一旦判斷為敵人，該人只能在戰爭法院以有追溯期方式應訊。戰爭法院的決定為最終及不設上訴。

政府須制訂及定期更新一張戰犯名單。如有需要，政府可以以牙還牙方式行人質外交。

7. 公民教育：須在電視、電台、網上及其他可行平台上推廣民主。
8. 選舉：任何人違返《民主安全法》不得投票或參選。國民在投票時應被提醒敵人試圖影響選舉之一事。
9. 人道主義：不適用於敵人。
10. 出入管制：政府須有一份敵人名單。所有來自中國的人須申報他是否敵人。
11. 技術：政府須嘉許或獎賞從敵人竊取技術或情報的人。

12. 私隱：敵人個人資料須向公眾公開。

## 第六章

司法機構須定期審視法治、防貪、民主、自由和人權之落實，向國會提交改善報告。

設立廉政公署執行反貪法例。

設立審計公署向政府提出具法律效力之效益改善。

## 第七章

政府須出版一本記載香港由一八四一年至今的官方歷史書和一本記載澳門由一五五七年至今的官方歷史書。

政府須出版教廣東話之官方語文教科書；發展廣東流行文化，其中包括但不限於音樂、電視劇、電影、文學；須建成並營運一所出產廣東話電影之荷里活級電影城。

政府須在海外建立一所香港人大學，供香港人後代入讀。

## 第八章

國民為：

- (1) 任何人於一九九七年七月一日前在香港或於一九九九年十二月二十日前在澳門出生；
- (2) 任何人於一九九七年七月一日前在香港或於一九九九年十二月二十日前在澳門取得永久居留權；
- (3) 任何人其生父或生母是 (1) 或 (2)，而該人在香港或澳門出生；
- (4) 任何人其生父或生母是 (3)，而該人在香港或澳門出生。

## 第九章

大不列顛及北愛爾蘭聯合王國國旗為國旗，《天佑女皇》為國歌。

於一九九七年六月三十日在香港懸掛之英屬香港旗為區旗，《願榮光歸香港》為區歌。

## 第十章

丁屋權須廢除，但丁屋業主可繼續擁有該物業及按法律行使業主權益。

本政府繼續承認前香港和澳門政權所簽發出的債務和土地契約。

所有中國憲法及其法律、基本法、國家安全法、香港法律第二四一 K 章反蒙面法、香港法律第五三九章香港特別行政區護照條例、香港法律第五四零章中國國籍（雜項規定）條例、香港法律第五四一 L 章選舉程序（鄉郊代表選舉）規例 [16]、香港法律第五五四 A 章選舉開支最高限額（行政長官選舉）規例、香港法律第五五四 B 章選舉開支最高限額（鄉郊代表選舉）規例、香港法律第五五四 E 章鄉議局選舉開支令、香港法律第五五四 H 章一九九五年選舉開支（鄉事委員會）最高限額令、香港法律第五六九章行政長官選舉條例、香港法律第五七六章鄉郊代表選舉條例、香港法律第五九七章內地判決（交互強制執行）條例和香港法律第六三二章廣深港高鐵（一地兩檢）條例須廢除。

香港法律第十一章宣誓及聲明條例、香港法律第九十一章法律援助條例 [17]、香港法律第一零六章電訊條例、香港法律第一一五章入境條例、香港法律第一四二章書刊註冊條例、香港法律第一五一章社團條例、香港法律第二三二章警隊條例、香港法律第二三十四章監獄條例、香港法律第二四五章公安條例、香港法律第二六八章本地報刊註冊條例、香港法律第三八三章香港人權法案條例、香港法律第三九二章電影檢查條例、香港法律第四八六章《個人資料（私隱）條例》、香港法律第五七五章聯合國（反恐怖主義措施）條例、香港法律第五八九章截取通訊及監察條例、香港法律第六零四章獨立監察警方處理投訴委員會條例和

香港法律第六一五章打擊洗錢及恐怖分子資金籌集條例須按民主和人權之精神修訂。香港法律第六十九章私人草案條例須修訂為：一切法案只可由議員提出。

香港法律第一八六章英國國籍（雜項條文）條例、香港法律第三一五章香港徽幟（保護）條例、香港法律第三七三章一九八一年英國國籍法令（相應修訂）條例和香港法律第五三零章僱員代表權、諮詢權及集體談判權條例 [18] 須以有修正案或無修正案方式還原。

澳門法律將不予保留，但如有需要可以立法形式將舊澳門法律引進本國法律。

不論是共治時代訂立與否，國會須審視、修改或廢除其他違反民主之法律。

## 第十一章

修憲須由國民以公投進行，門檻為有效票之三分之二，選票上須有贊成和反對欄，白票或不當劃上印記之票須當廢票處理，而不當有效票。選票上不准有單一否定或雙重否定之句子。

若公投未能通過一議案，該議案之公投只能在下兩個大選的那一年或之後舉行，例如若二零零零年、二零零四年、二零零八年為大選年，而公投在二零零一年舉行，下次公投最快在二零零八年舉行。

公投只能用於修憲。公投日期和公投內容須於公投前三百六十五天刊憲。

## 第十二章

「敵人」一詞解作任何曾是中國共產黨黨員的人、任何在中國政府（關鍵日為一九四九年九月三十日後）、香港政府（關鍵日為一九九七年六月三十日後）或澳門政府（關鍵日為一九九九年十二月十九日後）擔任職位並參與實行極權主義或損害民主的人、曾向該政權宣誓效忠的人，或由普通法院判為參與實行極權主義或損害中國民主、香港民主或澳門民主的人。

除非「香港」和「澳門」兩詞在同一節出現，否則「香港」泛指前香港特別行政區、沙頭角舊河口與新河口之間一片土地、前澳門特別行政區、大橫琴島及其附屬島、小橫琴島及其附屬島、港珠澳大橋項目之各人工島和珠江口及香港正南方五十公里範圍內之諸島。對於「香港人」和「澳門人」之理解也應以上述解讀論。

凡不是「敵人」者即「非敵人」。

解釋憲法之權力只屬司法部門。

## 簽署者

## 注釋

[1] 在高度健全之民主體制中，制度、政治人才和公民智慧缺一不可。[1]

加入英國成為海外屬地乃必然之選，至於日後謀求獨立是之後的事，因為港人在管理國家和政府行政方面之經驗仍然未成熟，否則闖拙獨立可能令香港變成失敗國家。

憲法名稱含「本土」和「海外」二詞，寓意：

「有香港人的地方，就是香港。香港人不只住在地理上的香港，而是遍佈全球多個城市，因此『海外香港』一概念便成型。只要香港人團結、努力，海外香港定必光復香港本土，而兩者最終統一。」

[2] 好政府之條件：

1. 法治
  2. 有效率的管治（與制度設計有關。要員一般由賢能之士出任，如星加坡）
  3. 廉潔
  4. 全體人民的同意（選舉設計）
  5. 就算沒有貪污之情況下，沒有濫權（一是政府人員具良好品格，或是由外部機構監督。外部機構監督較佳，因為政府人員有家眷和個人進入政府前的事業連繫，外部機構監督比政府人員具良好品格更易做到）
  6. 民眾有智慧監督政府
- \* 三權分立不是條件之一，因為如果上述能做到的話，政府也可以是好政府。

[3] 議會制優點：

1. 立法行政緊密扣連。
2. 首相挑選閣員專責某範疇，從而分擔支持他的執政。

總統制缺點：

1. 總統不能單獨處理國家要務。

[4] 最大餘額法比最高均數法簡單，特羅普數額較能產出大政黨。

簡單多數制能做到行政立法關係和諧和管治穩定。選取比例代表制是按香港影子議會於二零二零年之建議而訂。

首屆國會參選人為由一九九七年七月一日至二零二零年八月三十日在立法會地方直選獲勝之人士，及由一九九七年七月一日至二零二零年八月三十日在區議會選舉中獲勝之人士。

以下為部分符合首屆國會參選人參選資格之人士：

英文名	中文名
Cyd Ho	何秀蘭
Albert Ho	何俊仁
Wing Tat Lee	李永達
Cheuk Yan Lee	李卓人
Martin Lee	李柱銘
Fred Li	李華明
Margaret Ng	吳靄儀
James To	涂謹申
Man Kwong Cheung	張文光
Christine Loh	陸恭蕙
Yiu Chung Leung	梁耀忠

Chung Kai Sin	單仲偕
Sum Yeung	楊森
Emily Lau	劉慧卿
Andrew Cheng	鄭家富
Audrey Eu	余若薇
Alan Leong	梁家傑
Kwok Hung Leung	梁國雄
Ka Ki Kwok	郭家麒
Fernando Cheung	張超雄
Albert Cheng	鄭經翰
Anson Chan	陳方安生
Nai Wai Kam	甘乃威
Tanya Chan	陳淑莊
Yuk Man Wong	黃毓民
Claudia Mo	毛孟靜
Gary Fan	范國威
Charles Mok	莫乃光
Raymond Chan	陳志全
Dennis Kwok	郭榮鏗
Alvin Yeung	楊岳橋
Andrew Wan	尹兆堅
Eddie Chu	朱凱迪
Cheuk Ting Lam	林卓廷
Ka Chun Shiu	邵家臻
Edward Yiu	姚松炎
Ted Hui	許智峯
Baggio Leung	梁頌恆
Regine Yau	游蕙禎
Siu Lai Lau	劉小麗
Roy Kwong	鄺俊宇
Jeremy Tam	譚文豪
Nathan Law	羅冠聰
Nok Hin Au	區諾軒
Chin Shek Lau	劉千石
Albert Chan	陳偉業
Kin Shing Tsang	曾健成

[5] 像大科企須拆散，如臉書和谷歌。

[6] 對人以禮相待即可，同時確保選舉公平。

[7] 不准公開宣傳，只能口耳相傳，確保民眾專注候選人工作和政績，而非選舉活動多麼漂亮或非實事求是之口舌之爭。

[8] 因為精英主義。

[9] 年輕人應帶領國家、改變國家。

[10] 不設強制投票，不罰不投票之人，因民眾受壓下會選出不理性代表。

[11] 兩種國會情況

超級合作（不太可能）	惡鬥（很可能）
所有議案獲通過	很少/無議案獲通過
若是真正同意，會是國會內一致同意，由大多數人同意。	選民可能對現狀滿意，或會在下次大選投會妥協之政黨。
若非真正同意，選民會知道這並非真正同意，並會在下次大選不投沒有提出爭議之政黨。	

[12] 多元不等如集體智慧，因為人會受消費主義、自私、玩樂、個人主義影響。在某些政策制定中需要專家意見。

[13] 民主領袖須自願帶領人民，不能被迫帶領人民。領袖為受天所召之人。領袖薪資須適中，太低則吸引不到賢能，太高則使他們戀位。

決策須以理服人，不能因情作策。

[14] 批評

1. 如何確保候選人/當選人不偏不倚（中立性）？人民可由無黨派開始發展，但人總是會志向相投形成群體，而群體會互相鬥爭，即黨爭。
2. 議案由精英（可能變成極權）、人民代表（可能是民粹主義代表）、或同時由兩者通過？解決方法是由民眾選出專業人士代表他們。
3. 個人沒有辦法選進議會
  - 個人可以加入政黨或組成政黨參選，因為這個體制偏愛多數派政府或黨政府。
  - 個人若有民粹支持，個人可組成一張名單出選、擠身議會，但一個人不太能改變議會決定。
4. 若得到更多捐款，更易勝出選舉，因為可以增加廣告開支。
  - 對，但會設法例要求政黨在廣告上展示一聲明，說明獲得之捐款數目；未遵從之政黨會被罰該黨基金之一成金額。
5. 無法避免外國干預選舉
  - 選舉委員會會出聲明，說明外國干預之存在。任何人呼籲外國干預需負上法律責任。而此聲明會在票站張貼，以提醒選民外國干預之存在。
6. 在選舉中，如何避免為選而選、戀權或民粹主義？

[15] 定期自我檢查制度確保真正民主可持續走下去。

[16] 人人平等，鄉民沒有特權。

[17] 弱勢也可以容易享有法援。

[18] 在勞資糾紛中的工會代表。



# 法律及政策

## 建議長遠之法律及政策:

### 1. 香港節日：

公眾假期	非公眾假期
26/1 香港開埠日	
農曆新年（兩天）：開展新一年大計	
復活節（兩天）	
清明節：紀念民主烈士	
端午節：紀念陳彥霖	
	4/6 一九八九年六月四日屠城
英女皇誕辰	
	9/6 一百萬人上街
	12/6 學生上街
	16/6 二百萬零一人上街
	1/7 中國共產黨成立日/港共政權成立日
	4/7 美國國慶
	21/7 元朗白衣人恐襲
	31/8 太子站黑警打死人
中秋節翌日：海外港人寄望遠方的香港解放	
重陽節：紀念民主烈士	
	1/10 中共政權成立日/黑警荃灣槍殺人
	10/10 台灣國慶
	11/11 中大戰役
	冬至：團聚/反思全年
25/12, 26/12 聖誕節（兩天）	
總數：12 日	總數：12 日

\*在海外舉行香港節，推廣香港節日。

2. 在全球設立鬼廟，裏面有多座刻有中港民主戰犯的小人肖像；推廣油炸鬼，意指吃掉戰犯。

3. 官方正名中共政權為共產中國。

4. 設一獎卷/基金，讓人可以打賭共產中國的倒台/投資與共產中國倒台概念相關之股票。

5. 多邊主義以獲取國際支持，倡議香港版一帶一路推廣台、港、泰、緬和白羅民主；成立中國同盟會凝聚抗共力量，成員可以是個人或團體，如維吾爾大會和對華政策跨國議會聯盟。

6. 呼籲中國人與港人一起打倒中共，以取得道德高地和政治能量。

7. 官方定性中共為恐怖組織、納粹組織、法西斯組織、軍國組織、邪惡軸心國和黑社會組織。

8. 以其人之道還其人之身，如逼敵人在電視上承認罪行。

9. 須有一共同敵人以凝聚民主下之人民（或者製造危機感，讓人民感到敵人在摧毀民主體制）。
10. 文化上定位粵語與韓文、越南文、日文有很大關係（甚至可能有限度溝通）；按香港情景開發之粵語電玩；香港版 Simpson 卡通以預測未來；製作中國版《波叔出城》。
11. 加入對華政策跨國議會聯盟。
12. 成立香港海岸防衛隊。
13. 在各國成立香港辦事處。
14. 設計、發行香港護照、身份證。
15. 爭取英國國民（海外）護照持有人獲得英國國籍。
16. 與台灣一起遊說各國政府、傳媒放棄使用殘體字，採取「只用正體字」措施，並將已刊出之殘體字內容改成正體字。
17. 經營多條國際戰線：包含日韓台港之東亞線、包含維藏蒙港之中國線、包含印尼和菲律賓這類因家庭僱工而連結兩地之南亞線、包含印度和巴基斯坦這類在港有少數族裔之印巴線、包含台港泰緬白羅之奶茶線、包含英美澳加紐之海外港人線、歐盟線和非歐盟之歐洲國家線。
18. 容許外國的政黨向政府提供意見、代表香港人發聲，或於香港的選舉中參選。

## 光復後須立即做之事:

- 成立過渡政府，過渡政府決定下屆大選日期。
- 香港憲法即時生效。
- 除非憲法訂明者，所有香港法律皆予保留。
- 將憲法定義之戰犯捉拿歸案受審。
- 關閉港珠澳橋。
- 永久關閉西九龍站。
- 思考如何令民主比專制強。
- 入籍政策：憲法訂明不能成為公民之人或可申請一個不可轉讓之居住身份。
- 成立新足球隊，代表香港參加國際賽。
- 警察須在制服上張貼警員編號。
- 取消單程證，現時單程證持有人須在該證屆滿後返回中國。
- 立法禁止中國旗、徽、國歌、殘體字在本國出現。
- 拆除或移除一切與共治時期有關之物件，如金紫荊廣場、回歸紀念碑、回歸紀念塔。
- 整頓共治時代留下之風水爛局，如心經簡林、K11妖怪場。
- 禁中資營運，中國銀行發行之鈔票將有序回收。
- 禁以「中國」命名建築物。

## 光復前須做之事:

- 研究香港臨時海外政府的財政模式。
- 無論以實體投票、虛擬投票或兩者皆用也好，研究在香港本土和海外香港舉行選舉之模式。
- 須獲得一塊土地作為香港臨時海外政府的所在地。
- 成立香港臨時海外政府。
- 營運一艘名為「香港民國號」之船，在此船上實行香港臨時海外政府法律，此船或在全球航行推動香港獨立運動，此船可視為香港主權以移動方式實現。
- 成為香港安全部隊，為日後光復作準備。
- 任何在本文件所述之事。

## 後記（寫給中國人）

1. 中華民國的主權自一九一一年以來從未間斷過，中共卻在一九四九年十月一日從中華民國的主權分裂出來，自行宣佈成立中華人民共和國，是分裂中國的鐵證。如今香港人只是受毛澤東思想啟發，仿效他當年的事蹟，所以絕不是港獨，否則一九四九年便是共獨。
2. 中共推行簡體字，意在消除文盲。但台灣推行正體字，保留了中華傳統文化，使人能通覽古籍，而且台灣的識字率比大陸高，民智又比大陸人高，說明了正體字比簡體字既傳統又前衛。
3. 中共在一九四九年分裂中華民國主權前後，大批知識分子和文人逃到香港，香港於是成為中國文化搖籃，但自香港九七主權移交後，香港自主性不斷受到中共侵犯，文化搖籃功能到二零二零年因國安法實施而殆盡，香港也與大陸普通城市無異。