違反國家憲法絕非特區法治

中英社評

「國家憲法日」的「國家憲法與改革開放」座談會昨日在港舉行。座談會由勵進教育中心主辦、特區政府和中聯辦共同支持，顯示在港推動學習國家憲法是民間團體、特區政府及中央駐港機構的共同工作和責任，很有意義。

座談會邀請了全國人大法工委主任、基本法委員會主任沈春耀爲主講嘉賓。沈春耀在發言中指出：憲法是國家的根本法、最高法，其效力覆蓋國家的全部領土領域，包括香港特區；「一國兩制」在國家法治上的最高體現，就是國家憲法，香港不存在脫離國家憲法的「憲制」和「法治」。「只講某一個方面或者把二者（憲法和基本法）割裂開來、對立起來，是不完整、不準確的，也不符合香港回歸以後的實際情況。」

沈春耀這一番話，對正值「國家憲法日」的香港特區來說，具有非常鮮明的針對性和必要性。事實是，眼前，反對派不就正是在一些具體問題上，把尊重、維護國家憲法和落實基本法割裂以至對立起來的嗎？

在這些人口中，他們也講基本法，甚至不敢不講國家憲法，不敢不承認憲法在特區具有至高無上的憲制地位；但是，一到實踐關頭、一落到實處，他們就會把兩者割裂和對立起來，彷彿只要一談維護國家憲法、遵行國家憲法，基本法的權威地位就會被擠壓、被削弱，以至出現落實國家憲法就會「牴觸」基本法這樣「大小主次不分」、「子母關係不辨」的笑話。

◀香港舉辦以「國家憲法與改革開放」為主題的國家憲法日座談會，回顧憲法與改革開放偉大成就及「一國兩制」成功實踐的關係　新華社

過去，在反對派的蓄意曲解下，自議員被DQ，以至取締「港獨」組織，都出現過這些本末倒置、是非顛倒的謬論，他們把鼓吹、支持「港獨」說成是言論自由和新聞自由，把禁止這種「自由」說成是「違反基本法」，對憲法規定的維護國家主權、安全和發展利益視若無睹、置若罔聞。

反對派堅稱國家憲法「不適用」或「未必適用」於香港，其唯一所謂「理據」，就是基本法第五條寫明：「香港特別行政區不實行社會主義制度和政策，保持原有的資本主義制度和生活方式，五十年不變」。

如此只要特區政府堅持依法辦事，DQ拒誓效忠議員、遏止「港獨」活動，他們就會大喊大叫，指「一國兩制」已經「名存實亡」，香港已「內地化」了。由於國家憲法在港長期缺乏宣傳推介，市民認識不多，反對派這種謬論一時間頗有市場，甚至把反對國家憲法說成是維護特區「法治」。

因此，從事實觀之，「國家憲法日」活動在港舉行，不僅大有必要，而且刻不容緩，不能任由把基本法與國家憲法對立起來、違反國家憲法也符合法治等謬論繼續下去，而這種謬論的要害就在於歪曲特區與中央、與國家的關係，把「兩制」變成「兩國」。這是絕對不能容許的。

香港特區不存在一個脫離國家憲法的「憲制」與「法治」，這是沈春耀主任昨天在港講話中最重要的提示，值得港人社會重視和深思。

2018–12–05

WORDS AND USAGE

Lie in sth (phrasal verb)

●To exist or be found in something.
（在於…，存在於…）

Examples:

1.His skill lies in his ability to communicate quite complex ideas very simply.

2.Her strength lies in her faith.

Pertinent (adj.)

●Relating directly to the subject being considered.
（直接相關的，中肯的，有針對性的）

Examples:

1.Practitioners must consider all factors pertinent to a situation.

2.She asked me a lot of very pertinent questions.

Separate sb/sth from sb/sth else (phrasal verb)

●To keep people or things apart from each other.
（分開，分割）

Examples:

1.Please separate the spoiled apples from the good ones.

2.The army was called in to help separate the warring factions.

Mix up (phrasal verb)

● If you mix up two things or people, you confuse them, so that you think that one of them is the other one.（混淆）

Examples:

1.People often mix me up with other actors.

2.Depressed people may mix up their words.

Give/pay heed to (sth) (idiom)

● To listen carefully or pay close attention; to give (something) ample or due consideration.
（留意，關注）

Examples:

1. heed to your mother, she knows what she's talking about.

2.He failed to pay heed to our advice.

Violating the National Constitution is by no means rule of law in the SAR

A forum on The National Day & the National Constitution and Reform and Opening–up was held in Hong Kong yesterday. The forum, hosted by the Endeavour Education Centre and jointly supported by the SAR Government and the Liaison Office of the Central People's Government in the Hong Kong SAR, shows that promoting and studying the National Constitution in Hong Kong is a common task and duty of non–governmental organisations, the SAR Government and Central Government's institutions in Hong Kong. This is quite significant.

The forum invited Shen Chunyao as the keynote speaker, who is Chairman of both the Legislative Affairs Commission and the Basic Law Committee of the Standing Committee of the National People's Congress (NPC). In his speech, Shen Chunyao pointed out: the Constitution is the country's fundamental and highest law and its [legal] authority covers all of the country's territories and domains, including the Hong Kong SAR; the highest embodiment of "one country two systems" in the country's rule of law **lies in** the National Constitution, and there exists in Hong Kong no "constitutional system" and "rule of law" that is detached from the National Constitution. "It is incomplete and inaccurate to emphasis on one side or to divide the two (the Constitution and Basic Law) and put one in contradiction to another. Nor does this accord with the reality in Hong Kong since its return to the Motherland."

For the Hong Kong SAR marking the National Constitution Day, these words by Shen Chunyao are particularly **pertinent** and necessary. In fact, right now on some concrete issues, isn't the opposition separating the implementation of the Basic Law from the respect and safeguard of the National Constitution and even putting one in contradiction to another?

Verbally the opposition members also have to mention the Basic Law, don't dare not to mention the National Constitution and don't dare not to acknowledge the Constitution's supreme constitutional status in the SAR.

However, when it comes to practice and comes to implementation, they **separate** the two and make them contradict one another, as if the Basic Law's authority would have been suppressed and weakened whenever safeguarding and following the National Constitution is mentioned. So much so that they even make a fool of themselves by "confusing the big with the small and the primary with secondary" and "**mixing up** the son with the mother".

In the past, such fallacies of putting the cart before the horse and turning right into wrong have surfaced on occasions such as disqualifying some lawmakers or outlawing some organisation seeking "independence for Hong Kong", under the opposition's deliberate distortion and misinterpretation. They described advocating and supporting "independence for Hong Kong" as freedom of speech and freedom of the press and asserted banning such "freedom" as "violating the Basic Law", turning a blind eye and giving no heed to the Constitution's stipulations on safeguarding national sovereignty, security and interests of development.

The opposition persistently claims that the National Constitution is "not applicable" or "not necessarily applicable" to Hong Kong, and its only so–called "ground" is Article 5 of the Basic Law which stipulates: "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."

In this way, as long as the SAR Government sticks to handling affairs in accordance with the law by disqualifying lawmakers refusing to take the loyalty oath or curbing pro–independence activities, they would shout loudly to assert that "one country two systems" now exists only in name and Hong Kong has already become "mainlandised". For a long period of time, there has been a lack of publicity and promotion for the National Constitution in Hong Kong, hence the general public has little knowledge about it. As a result, the opposition's fallacies have been quite marketable for some time, so much so that they even have moved to talk about opposing the National Constitution as safeguarding the "rule of law" in the SAR.

In view of such facts, therefore, it is not only very necessary but also very urgent to carry out activities marking the National Constitution Day in Hong Kong. Fallacies putting the Basic Law in contradiction to the National Constitution and asserting that violation of the National Constitution also accorded with the rule of law must no longer be tolerated. The cruciality of such fallacies lies in that they distort the relationship between the SAR and the Central Government and State to turn "two systems" into "two countries". This is absolutely intolerable.

There exists in Hong Kong no "constitutional system" and "rule of law" that is detached from the National Constitution. This is the most important reminder given by Chairman Shen Chunyao in his speech yesterday, which deserves to be **given heed to** and deeply pondered over by Hong Kong society.

05 December 2018

走出校園

懷念十九路軍名將之子

1932年上海爆發一二八戰役，十九路軍將士英勇抗日的壯舉永留青史。筆者認識一些十九路軍將領的後代，包括蔡廷鍇將軍之孫蔡醒民、葉少泉將軍之子葉翹南、沈光漢將軍之子沈大中等。葉翹南先生不幸於九月底因病去世，今藉此文悼念之。

葉翹南是民國時期十九路軍（1930至1934年）經理處處長葉少泉將軍哲嗣，常以抗日名將後人爲榮。筆者曾多次與葉先生餐敘，並參加他舉辦的活動，發覺他的樣貌比實際年齡年輕得多，極爲平易近人和健談，常源源道出十九路軍諸將佚聞，聽者無不獲益良多。葉先生與蔡醒民先生等十九路軍後人在廣州創立「十九路軍淞滬抗日歷史研究會」（前稱十九路軍淞滬抗日將屬聯誼會），自1988年創會以來出版多本有關十九路軍歷史的書刊，並舉辦多項活動，目的在傳承十九路軍愛國愛民的傳統，葉先生本人就是一名眞正的愛國愛鄉愛港者。

十九路軍淞滬抗日歷史研究會做了不少推廣該軍歷史的工作，最爲顯著的是出版多本書刊，包括《十九路軍傳略》、《十九路軍紀念文集》等。此外舉辦廣東羅定市羅鏡鎭考察團，讓十九路軍後人及其親友探訪該軍將領的故鄉及其遺蹟。最有意義的是在一二八紀念日在廣州「十九路軍淞滬抗日陣亡將士陵園」舉行祭典，緬懷先烈。無論是出版書刊還是舉辦活動，葉先生總是積極投入，親力親爲，經常穗港兩地忙，他對父親和十九路軍的深厚感情表露無遺。對這位寬厚長者的離去，筆者深感惋惜，願他安息。

大專講師　梁勇

▲十九路軍將屬及其友人攝於廣東羅鏡鎭蔡廷鍇將軍故居前

學術自由不能絕對化

時事英語

19世紀法國著名微生物學家巴斯德（Louis Pasteur, 1822–1895）有句名言：「科學無疆界，因爲知識屬於全人類，且是照亮世界的火炬（Science knows no country, because knowledge belongs to humanity, and is the torch which illuminates the world）。」後來，「科學無疆界」這句話被借喻引申出「學術無禁區」（Academic research knows no bounds）的說法，來形容「學術自由」。

不過，世上並無絕對的自由，「學術自由」（academic freedom）也不例外。我們面前就有一個現成的例子。

日前，深圳南方科技大學副教授賀建奎聲稱成功使用基因編輯技術（gene–editing technique），通過人工受孕誕生出對愛滋病具有先天免疫力（innate immunity against HIV）的嬰兒，這一消息震驚（shock）全球。中國政府聲明此舉違犯有關法律，必定嚴肅查處；中外生物科技學界強烈譴責賀建奎違背了該研究領域的行爲準則（code of conduct）和道德規範（code of ethics）。可見，「學術自由」在一些領域裏是要受法規和倫理道德約束。

就基因編輯技術而言，目前的共識是只能在實驗室裏進行而不得應用在人類胚胎。這不僅出於對有關技術是否成熟的考慮，而主要是顧慮對人類和社會不可預知的後果。既然基因編輯技術可以造出有先天免疫力的嬰兒，當然也可以用來改變嬰兒其他方面的特徵（traits），如身高、眼睛的顏色甚至智力（intelligence）；有錢人家就可以有比其他人家「優良」的後代。屆時，何來「人皆生而平等（All men are created equal）」？

若眞的這樣做，那與希特勒實行的優生學（Eugenics）在本質上有何不同？希特勒認爲「亞利安」（Aryan）是最優秀的人種，所以他要滅絕「劣等」的猶太人。而爲了「淨化」（cleanse）亞利安人種，他授權執行「安樂死」計劃（Euthanasia Programme）消滅身心殘疾兒，被屠殺者原定三歲以下，最終改爲16歲以下，據統計至少有70273名德國兒童被「淨化」掉。

據說賀建奎年輕時想成爲中國的愛因斯坦（Einstein），而現在西方傳媒稱他爲「中國的費朗根斯坦（China's Frankenstein）」。這後一個「斯坦」是英國作家瑪麗・雪萊（Mary Shelley, 1797–1851）小說《科學怪人》（The Modern Prometheus）中的科學家主角，他用死人造出一個怪物，最終危害社會也威脅到自己。

亦　然