

Research on the Pathway to Achieve Collaborative Legislation in the Guangdong-Hong Kong-Macao Greater Bay Area

Xiaonuo Li

Law School, Shandong Normal University, Jinan, 250358, China

Keywords: Guangdong-Hong Kong-Macao Greater Bay Area, Collaborative Legislation, Practical Pathways

Abstract: As the first "testing ground" for deep integration between the mainland and the special administrative regions under the "one country, two systems" framework, the Guangdong-Hong Kong-Macao Greater Bay Area faces challenges of integrating different social systems and legal frameworks. Policies and regional practices provide strong support for this integration. The diversity and complexity of the main bodies and legal systems in the Greater Bay Area present a series of problems, including the lack of an integrated regional collaborative legislative body, legal system conflicts, and the insufficient effectiveness of regional administrative agreements. To address these issues, it is necessary to establish a regular and continuous regional collaborative legislative mechanism, including the implementation of centralized legislation, improvement of the legal and regulatory system, and advancement of regional coordinated development agreements to legal status, thereby promoting the integration of Hong Kong and Macao into the development framework.

1. Introduction

The construction of the Guangdong-Hong Kong-Macao Greater Bay Area and the development of a world-class city cluster are major decisions made by the central leadership with General Secretary as the core, which are significant for advancing the "Belt and Road" initiative, deepening a comprehensive pattern of opening up, and enriching the connotation of "one country, two systems". The construction of the Greater Bay Area aims to implement new development concepts, realize regional coordinated development strategies, and break down regional barriers between two regions and nine cities. The Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area issued by the Central Committee of the CPC and the State Council in February 2019 explicitly states that the Greater Bay Area should improve the regional collaborative innovation system, promote the convenient flow and optimal allocation of various elements within the Bay Area, implement regional coordinated development strategies, fully leverage regional comparative advantages, and strengthen policy coordination and planning integration. The report of the Twentieth National Congress pointed out, "Advance the development of the Guangdong-Hong Kong-Macao Greater Bay Area, support Hong Kong and Macao to better integrate into the country's overall development." The greatest

challenge faced in the collaborative construction of the Guangdong-Hong Kong-Macao Greater Bay Area under the goals mentioned is the legal conflicts arising from "one country, two systems, three jurisdictions". Addressing this issue is key to basing the Greater Bay Area's development in a legal environment that coordinates different interests, specifically through regional collaborative legislation to guide different entities in pursuing common interests and achieving innovative regional development. As a "testing ground" for deep cooperation between the mainland and Hong Kong and Macao under the "one country, two systems" framework, the integration of different social systems and legal systems poses challenges. Hence, the urgent task is to establish an institutionalized, regular collaborative legislative mechanism to facilitate cooperation in the Bay Area under a legal framework.

2. The Necessity and Feasibility of Collaborative Legislation in the Guangdong-Hong Kong-Macao Greater Bay Area

Collaborative legislation in the Guangdong-Hong Kong-Macao Greater Bay Area serves as a logical starting point for advancing the construction of the region. It plays a crucial role in facilitating dialogue between the mainland and Anglo-American legal systems, and in promoting regional development through the collaborative efforts of different legal systems. It also breaks down existing administrative barriers between regions, allowing for the free flow of production factors over a larger area, reducing resource costs, and increasing development efficiency. This new approach to governance also indirectly promotes the modernization of the national governance system and capabilities, aiding in the realization of the great rejuvenation of the Chinese nation in the new era. In the following discussion on the necessity of collaborative legislation, this paper explores its feasibility based on the institutional space reserved by constitutional norms, support from national policies, and the wealth of existing domestic practice available for reference[1].

2.1. The Necessity of Collaborative Legislation in the Guangdong-Hong Kong-Macao Greater Bay Area

2.1.1. Promoting Dialogue Between Legal Systems to Foster Innovation in the Greater Bay Area

The Guangdong-Hong Kong-Macao Greater Bay Area presents a coexistence of two legal systems: one is the common law system continued in the Hong Kong Special Administrative Region based on the principle of "one country, two systems"; the other is the civil law system used in Chinese mainland and the Macao Special Administrative Region. For the civil law system, Chinese mainland and Macao differ, with the former under the civil law system of Chinese socialism and the latter influenced by Portuguese civil law. Due to these legal discrepancies, there are significant legislative and judicial differences among the three regions. Hong Kong and Macao, as special administrative regions, possess a high degree of legislative and judicial autonomy. In terms of legislation, special administrative regions can enact laws effective within their own regions under the premise that these do not contradict the Constitution of the People's Republic of China and their own Basic Laws, and both regions have the power of final adjudication. In contrast, the legislative and judicial powers of the other nine cities in the Guangdong-Hong Kong-Macao Greater Bay Area are more restricted[2].

There is no unified legislative or judicial body across the three regions, and legal disputes are likely to arise concerning the applicability and jurisdiction of laws. For example, under the provisions of the Hong Kong Basic Law and the Macao Basic Law, the special administrative regions have the power of final adjudication, meaning the decisions made by their courts of final appeal take effect immediately and are not subject to appeal. Additionally, the courts and prosecutorial offices in the special administrative regions are not subject to the direction and supervision of central state organs. Unlike these regions, Guangdong Province, as a typical administrative region, sees its courts and

prosecutorial offices supervised and guided by higher courts and prosecutorial offices. The three regions lack a unified higher judicial authority to coordinate legal conflicts.

To promote integrated and homogeneous development in the Guangdong-Hong Kong-Macao Greater Bay Area, it is essential to achieve "dialogue between legal systems". This process involves different stakeholders seeking common ground while maintaining their distinct characteristics through collaborative legislation, thereby minimizing legal conflicts and maximizing mutual benefits[3].

2.1.2. Breaking Regional Barriers to Facilitate the Flow of Production Factors

China's vast territory is divided into administrative regions of varying sizes for ease of management, each with its own local state organs. As the national economy develops, there is a significant issue of industrial homogenization among neighboring regions. Additionally, because performance evaluations are primarily based on administrative regions, local areas may compete at the expense of each other to achieve performance targets. This leads to significant regional barriers concerning talent, resources, finance, technology, and information. For instance, residents from Hong Kong and Macao need to travel to Chinese mainland to conduct transactions offline when purchasing financial products or exchanging products they have already bought, due to the absence of a unified facial recognition payment system with the Mainland. Moreover, for payments, they must have bank cards and mobile phone numbers issued from Chinese mainland to use online payment systems like WeChat Pay and Alipay, as those from Hong Kong and Macao are not directly usable in the Mainland. Professor Zhou Li'an has commented on trade relationships between regions in China, noting that China's internal trade barriers are nearly as high as those between sovereign states, and certainly higher than those within a sovereign state (such as between the US and Canada)[4].

From a long-term development perspective, focusing solely on regional interests without considering the broader picture is counterproductive. Breaking away from the mindset of clinging to "one's own plot," and removing developmental barriers between Hong Kong, Macao, and Chinese mainland can only be achieved through legal governance. The best approach is through collaborative legislation, accurately capturing the common interests of the three regions to optimize the allocation of production factors across the Guangdong-Hong Kong-Macao Greater Bay Area, thereby fostering the healthy socioeconomic development of the region[5].

3. The Feasibility of Collaborative Legislation in the Guangdong-Hong Kong-Macao Greater Bay Area

3.1. Constitutional Allowance for Collaborative Legislation

The Constitution, as the fundamental law of our country, is the highest basis for all enacted laws and regulations. Therefore, to undertake collaborative legislation in the Guangdong-Hong Kong-Macao Greater Bay Area, it is first necessary to address the issue of constitutionality. This essentially involves determining whether collaborative legislation conforms to constitutional norms. "Constitutional" not only refers to compliance with the textual provisions of the Constitution but also to alignment with its inherent values, which include constitutional principles, spirit, and interpretation, and in some countries, also constitutional conventions and ratified conventions. From the perspective of constitutional principles, the 2018 constitutional amendment added the new development concepts of innovation, green, coordinated, open, and shared development, as well as the important thoughts of comprehensive, coordinated, and sustainable scientific development to the preamble. The formal inclusion of "coordinated" as a constitutional principle signifies that coordinated development has received constitutional affirmation and recognition, thus naturally encompassing the concept of

regional coordinated development within its scope. From the functional perspective of the Constitution, Article 3 stipulates that under the unified leadership of the central government, the enthusiasm and initiative of local areas should be fully leveraged[6]. Under the guidance of national major strategies, the Guangdong-Hong Kong-Macao Greater Bay Area focuses on unleashing local creativity through inter-local cooperation, integrating Hong Kong and Macao into the national development context, and simultaneously driving breakthrough development in the less developed cities within the Bay Area, thereby practically implementing Article 3 of the Constitution. Furthermore, from the objective of the Constitution, which is to develop a socialist market economy and build a prosperous, democratic, civilized, harmonious, and beautiful modern socialist country, regional collaborative legislation in the Guangdong-Hong Kong-Macao Greater Bay Area can break down barriers between neighboring regions, leverage regional strengths for mutually beneficial development, and aid in building a modern socialist country[7].

Thus, although the constitutional norms do not explicitly mention regional collaboration, providing legal safeguards for regional collaborative development through collaborative legislation aligns with the principles, purposes, and functions of the Constitution. This indirectly reflects that the Constitution has reserved institutional space for the development of collaborative legislation in the region.

3.2. Strong Support from National Policies

In recent years, focusing on the new era's practice of "One Country, Two Systems" and based on the national long-term development strategy, the Central Government has issued a series of policies tailored to the actual development needs of the Guangdong-Hong Kong-Macao Greater Bay Area, focusing on coordinated development. For instance, to leverage the significant roles of Hong Kong and Macao in the Pan-Pearl River Delta region, and to create a world-class city cluster through cross-provincial cooperation, the General Office of the Communist Party of China Central Committee and the General Office of the State Council issued the "13th Five-Year Plan for Economic and Social Development of the People's Republic of China." In the same month, the State Council issued the "Guidelines on Deepening Cooperation in the Pan-Pearl River Delta Region," which further deepened cooperation between the Mainland and the Hong Kong and Macao regions, promoting the development of the Greater Bay Area towards higher levels, deeper fields, and broader scopes. In November 2018, the CPC Central Committee and the State Council released the "Opinions on Establishing a More Effective New Mechanism for Regional Coordinated Development," which again emphasized the national strategy of regional coordinated development, clarifying the guiding ideologies, basic principles, and overall objectives of regional coordinated development. The "14th Five-Year Plan for the Economic and Social Development of the People's Republic of China and the Long-Range Objectives Through the Year 2035" released in March 2021 further emphasized strengthening the collaborative development of industry, education, and research in the Guangdong-Hong Kong-Macao Greater Bay Area, expanding the scope of mutual recognition of qualifications between the Mainland and Hong Kong and Macao, and promoting the alignment of rules in key areas. Furthermore, documents such as the "Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area," "Opinions on Financial Support for the Construction of the Guangdong-Hong Kong-Macao Greater Bay Area," and the "Overall Plan for the Construction of the Hengqin Guangdong-Macao In-depth Cooperation Zone" were successively issued.

It is evident that the central state organs have provided comprehensive policy support around the coordinated development of talent, technology, education, and transportation sectors. With strong support from national policies, regional collaborative legislation will undoubtedly continue to advance towards high-quality development.

3.3. Rich Experience in Domestic Collaborative Legislation Framework

Currently, significant progress has been made in regional collaborative legislation practices in China. As the first region to explore collaborative legislation, Heilongjiang, Jilin, and Liaoning provinces signed the "Northeast Three Provinces Legislative Assistance Framework Agreement" as early as 2006, which established modes of cooperation such as tight collaboration, semi-tight collaboration, and dispersed collaboration focused on economic, social, and ecological legislation and law enforcement. In 2015, with the implementation of the "Beijing-Tianjin-Hebei Coordinated Development Plan," the relocation of non-capital functions from Beijing was effectively carried out, achieving significant breakthroughs in areas such as transportation integration, ecological environment protection, and industrial restructuring in the Beijing-Tianjin-Hebei region. To continue leveraging the Yangtze River Delta's vibrant economic development, high degree of openness, and strong innovation capabilities, the regions of Shanghai, Jiangsu, Zhejiang, and Anhui initiated legislative collaboration through administrative agreements in 2014, using air pollution as a starting point. Moreover, significant achievements have been made in other regions such as the Chengdu-Chongqing dual-city economic circle, the You River basin protection, and the Yellow River basin management.

The Yangtze River Delta, Beijing-Tianjin-Hebei region, and the Guangdong-Hong Kong-Macao Greater Bay Area share high similarities. Firstly, there are considerable differences among the entities within the Yangtze River Delta, Beijing-Tianjin-Hebei, and the Greater Bay Area in terms of economic scale, industrial structure, and development planning. All three regions share the same economic goals of implementing new development concepts, driving surrounding cities by central cities, leading underdeveloped areas by developed areas, breaking down administrative barriers through integrated development, facilitating the flow of elements over a broader area, and transforming regional developmental differences into complementary advantages. Secondly, regional construction in China commonly faces the issue of emphasizing agreement signing while neglecting institutional construction. Therefore, the experiences from the Yangtze River Delta and Beijing-Tianjin-Hebei region provide valuable references for transitioning from policy-based to legal-based regional coordination. Lastly, there is a significant issue with uncoordinated benefit distribution. The suction effect brought by large cities within these regions is apparent, necessitating the coordination of interests among various parties. Integrating benefit distribution into the legal framework can help achieve the goal of maximized benefits for regional collaborative development. Based on these common challenges, selectively drawing on experiences from other regions in collaborative legislation can aid in addressing the current difficulties faced by the Guangdong-Hong Kong-Macao Greater Bay Area.

4. Problems in Collaborative Legislation in the Guangdong-Hong Kong-Macao Greater Bay Area

The Guangdong-Hong Kong-Macao Greater Bay Area encompasses a diverse range of entities with significantly different legislative powers, leading to substantial conflicts in legislative authority. Additionally, grounded in the "one country, two systems" framework, the region incorporates both continental and Anglo-American legal systems, yet lacks a unified regional collaborative institution, making collaborative legislation more complex and challenging. Existing regional administrative agreements, due to their lack of binding force, have not been particularly effective in implementation[8].

4.1. Lack of an Integrated Regional Collaborative Institution

The Guangdong-Hong Kong-Macao Greater Bay Area includes four different administrative divisions: provinces, prefecture-level cities, special economic zones, and special administrative regions, each possessing different legislative powers. Consequently, the existence of differing scopes of authority leads to conflicts in regional legislation.

Firstly, there are legislative conflicts between Guangdong Province and the two special administrative regions, Hong Kong and Macao. According to the "Legislation Law of the People's Republic of China," the People's Congress of Guangdong Province and its Standing Committee can enact local regulations that do not conflict with the constitution, laws, or administrative regulations, based on the specific circumstances and needs within the province. The Standing Committee of the National People's Congress has the power to amend or revoke any local regulations enacted by the provincial People's Congress or its Standing Committee that violate the constitution, laws, or administrative regulations. Hong Kong and Macao SARs, under the "Basic Law of the Hong Kong Special Administrative Region" and the "Basic Law of the Macao Special Administrative Region," enjoy high autonomy, including legislative power and independent judicial power, including final adjudication. Apart from national defense and foreign affairs, which are the responsibilities of the central government, the legislation in these SARs is primarily handled by the regions themselves and only needs to be filed with the Standing Committee of the National People's Congress, without affecting its effectiveness. Therefore, Guangdong Province has limited scope in exercising legislative power, while the two SARs have more freedom in legislation.

Secondly, there is a conflict between prefecture-level cities and special economic zones. The nine cities included in the Guangdong-Hong Kong-Macao Greater Bay Area are all prefecture-level cities, with Guangzhou being a sub-provincial city and Shenzhen a separately planned city, and both Shenzhen and Zhuhai are special economic zones. According to Articles 81, 84, and 101 of the "Legislation Law," the People's Congresses and their Standing Committees of these nine cities can enact local regulations on matters such as urban and rural construction and management, ecological civilization construction, historical and cultural preservation, and grassroots governance, which take effect after approval by the provincial People's Congress Standing Committee. Moreover, the special economic zones of Shenzhen and Zhuhai, as per the authority granted by the National People's Congress, can enact economic regulations effective within the special economic zones. Furthermore, special economic zones can also make flexible provisions for laws, administrative regulations, and local regulations that are effective within the special economic zones. Guangzhou and Shenzhen, due to their geographical locations and national development needs, also have special economic statuses and privileges. Thus, even within Guangdong Province, legislative powers are complex, indicating conflicts of legislative authority among cities.

The conflict of authorities among entities can lead to reduced efficiency in public resource management, complexity in legislative matters, and even duplicative legislation and content conflicts. To address these issues, a high-level institution capable of coordinating and balancing the differences in authority between "dominant entities" and "less dominant entities" is needed to develop relatively unified legislation, realize complementarity among regions, and maximize mutual benefits.

4.2. Legal System Conflicts

Hong Kong operates under the Anglo-American legal system, which applies both common law and equity. Judges in Hong Kong not only apply statutory law but can also refer to case law as a basis for judgments, giving precedents a significant position. Macao inherits the Portuguese civil law tradition, while Chinese mainland has developed a socialist civil law system with Chinese characteristics. In this context, there is a clear conflict between the legal systems of the three regions.

Firstly, the sources of law differ. Hong Kong belongs to the Anglo-American legal system, predominantly using common law and equity. Judges in Hong Kong, while adjudicating cases, can refer to case law as a basis for court judgments, making case law an integral part of Hong Kong's legal framework. Both Macao and Chinese mainland are branches of the civil law system, primarily based on statutory law. Judges in these regions must base their rulings on enacted laws and focus on interpreting the law during trials, elucidating the relationship between legal norms and society and applying legal rules in specific cases. Although China's Supreme People's Court has published some guiding cases, these do not yet constitute a formal source of law and are only used as "references" rather than "bases" in legal proceedings.

Secondly, different laws are applicable. According to the Basic Laws of Hong Kong and Macao, only national laws listed in Annex III are legally effective within the Special Administrative Regions. The number of laws in Annex III is just the "tip of the iceberg" compared to the vast legal system of Chinese mainland. Moreover, Annex III primarily includes laws related to national sovereignty and not those directly concerning the rights and interests of the people. This means that the majority of laws enacted in Chinese mainland do not apply in Hong Kong and Macao, leading to different judgments for the same cases within the Guangdong-Hong Kong-Macao Greater Bay Area.

Although "judicial assistance" has been proposed to address these issues within the Greater Bay Area, the lack of specific and detailed rules has led to practical difficulties such as challenges in case delivery, difficulty in ascertaining applicable laws, inadequate linkage of legal rules, low applicability of Hong Kong and Macao laws, and difficulties in enforcing judgments. Therefore, the satisfactory implementation of judicial assistance is yet to be achieved. As such, only through collaborative legislation that establishes relatively unified standards or improves the connection between legal rules can these fundamental issues be resolved from a legislative perspective.

4.3. Insufficient Effectiveness of Regional Administrative Agreements

Due to the lack of specific and clear institutional authorization for regional collaborative legislation, entities often opt for signing regional framework agreements rather than proactive legislation to avoid exceeding legislative authority. For instance, some scholars believe that administrative legislative bodies adopt a conservative approach to cross-regional legislation, resulting in collaborative legislation not being the only or even the primary type, with regional agreements and regional administrative planning becoming important forms of legal governance. [[See Song Baozhen, Chen Jinzhao: "Exploration of Regional Collaborative Legislation Models—Taking the Yangtze River Delta as an Example," published in *Jianghai Academic Journal*, issue 6, 2019, page 166.]]

The Guangdong-Hong Kong-Macao Greater Bay Area also adopted the approach of signing framework agreements, including the "Mainland and Macau Closer Economic Partnership Arrangement," the "Mainland and Hong Kong Closer Economic Partnership Arrangement," and the "Framework Agreement for Enhancing Guangdong-Hong Kong-Macao Cooperation and Advancing the Development of the Bay Area." While these administrative agreements circumvent issues of legality under organizational law, they also bring about problems of insufficient effectiveness. Due to lacking "teeth," regional administrative agreements, with low costs of breach, rely solely on the consent and principles of good faith of all parties, leading to suboptimal practical effects. On one hand, due to the lack of binding effectiveness, any change in leadership or sudden imbalance of interests can cause the collapse of cooperation, turning collaboration into a fleeting occurrence without sustainability. On the other hand, if participants wish to implement the contents of the agreement, they must enact new laws and regulations within their administrative regions. Should the content of the agreement change, the corresponding laws and regulations must also be altered, which is costly; however, if these changes are not made synchronously, the regional cooperation effectively

fails[9].

Therefore, to effectively advance regional collaborative cooperation and legislation, it is necessary to strengthen the institutional transformation from policy dependence to legal assurance, to address the inherent shortcomings of insufficient executive force in regional administrative agreements, and to lay a solid normative foundation for balancing interests between regions. [[See Chen Wanling, Cao Shu: "Exploration and Path Innovation of Regional Economic Legal System Models in China—Using Policy Reinforcement Legal System as a Path," published in *Comparative Economic & Social Systems*, issue 6, 2019, page 182.]] As regional administrative agreements serve as a preliminary and experimental approach to regional coordinated development, the best method to enhance their effectiveness is to endow them with enforceable legal authority through legal standardization.

5. Pathways for Coordinated Legislation in the Guangdong-Hong Kong-Macao Greater Bay Area

The implementation of regional coordination in the Guangdong-Hong Kong-Macao Greater Bay Area is far from the anticipated goals. Given the current difficulties and issues, this paper suggests that coordinated legislation can be improved through multiple approaches: establishing unified central legislation, enhancing legal and regulatory frameworks, and promoting the legalization of regional administrative agreements. These measures aim to provide legal support for the coordinated development of the Guangdong-Hong Kong-Macao Greater Bay Area.

5.1. Centralized Coordinated Legislation

For regional coordinated legislation, it is first necessary to determine the legislative body. Internationally, the coordinated legislation in the United States and the European Union is carried out through the establishment of unified legislative bodies. In the U.S., to address various issues in the Tennessee Valley, the Tennessee Valley Authority was established in 1933, which coordinated planning for the main and tributary areas of the Tennessee River. Under the unified governance of the Tennessee Valley Authority, the Tennessee River not only effectively resolved flooding problems but also achieved integrated management and development of navigation, power generation, tourism, and ecology. The European Union, as the most developed and largest integration organization in the world, primarily operates through supra-national institutions established by the sovereign powers conferred by its member countries. It is these supra-national functions that enable the EU to implement various policies and regulations effectively across member states, eliminating obstacles. Therefore, coordinated legislation in the Guangdong-Hong Kong-Macao Greater Bay Area could establish a unified coordinating body for concrete implementation. Some scholars argue that a unified legislative body would conflict with China's political and legal systems, potentially causing issues of legitimacy or effectiveness. However, it is entirely feasible to add a department or internal mechanism for regional coordination within the National People's Congress and its Standing Committee or the State Council. Having the central government as the unified legislative body not only establishes an institution for coordinated legislation but also aligns with the unitary state structure, the people's congress system, and the legislative system without conflict, demonstrating strong implementability. As Professor Zhu Zui recently stated, as a unitary state, central legislation in China, which coordinates the overall situation and possesses the highest authority and supreme effectiveness, is theoretically an ideal choice for providing legal norms for regional coordinated development.

Of course, centralized legislation here refers to the central-local legislative connection, where the central government exercises decisive authority over significant issues. This does not mean that the central government acts unilaterally, excluding local initiative and autonomy. On one hand, given China's vast territory and complex national conditions, with significant disparities in political and

economic development, the directions and pathways of regional development vary markedly, and regions display individualized and diversified development needs in the process of regional integration. It is impossible for the central government to establish specific and comprehensive laws and regulations for all scenarios. On the other hand, due to the bureaucratic system, the central government cannot precisely manage local matters and is likely to make errors. However, specific participants in regional integration inherently have a natural advantage in understanding which areas need development, the conditions required for development, and where the difficulties lie. The specific arrangements for centralized legislation can be as follows:

(1) The Chief Executives of the Special Administrative Regions, chairpersons of the People's Congress and its Standing Committees, and heads of government departments in the Guangdong-Hong Kong-Macao Greater Bay Area, along with other responsible officials from central state organs, should engage in extensive consultations through symposiums, joint meetings, and other forums to negotiate the subjects, scope, methods, procedures, and responsibilities of collaboration. To enhance the efficiency of law enforcement and alleviate difficulties in implementation, the consultation process can also involve law enforcement and judicial personnel to leverage the practical roles of frontline workers.

(2) Given the complexity of regional governance interests, consultations should also involve soliciting opinions before meetings, thoroughly listening to experts, business organizations, citizens, and particularly residents of Hong Kong and Macao, to better reflect the personal demands of the public in central legislation. For the vast resources of public commons, self-organization and autonomy in human societies represent better arrangements for addressing public affairs. This not only enhances public identification with the law but also lays a social foundation for the enactment of legislation.

(3) The final version of the legislative draft, which reflects the maximization of regional coordinated development interests prepared by the Greater Bay Area's symposiums or joint meetings, should be submitted to the National People's Congress and its Standing Committee. It should be reviewed and approved according to certain principles and standards, with effectiveness upon approval.

6. Perfecting the Legal and Regulatory System

6.1. Formulating Unified Laws and Regulations

The Guangdong-Hong Kong-Macao Greater Bay Area differs from other regions such as the Yangtze River Delta and Beijing-Tianjin-Hebei area, which are under the same legal jurisdiction. In these latter regions, parties operate under the Chinese socialist legal system, and legislative content is similar; harmonization can be achieved through the exchange and sharing of legislative information. However, in the Greater Bay Area, where two social systems, three legal jurisdictions, and three customs territories exist, substantial legislative uniformity cannot always be achieved merely through negotiations. In areas where cooperative negotiation is difficult, the National People's Congress and its Standing Committee or the State Council should formulate unified legal standards (hereinafter referred to as the "Unified Law"). The application of the "Unified Law" could be envisaged as follows: first, actions occurring within the Greater Bay Area or whose results occur within the region should, unless otherwise specified by law, fall under the "Unified Law." Second, actions by citizens of the Greater Bay Area outside the region that fall within the scope of the "Unified Law" should apply it. Third, actions by individuals from other regions outside the Greater Bay Area affecting the area or its citizens, if within the scope of the "Unified Law," should apply it.

Given the lengthy process of establishing unified legal standards, before the enactment of the "Unified Law," the advantages of regional coordination and development agreements should be

maximized to enhance regional communication, discussion, and negotiation, fully tapping into the potential for collaborative legislation within these agreements. To ensure the smooth implementation of the "Unified Law," it could initially focus on key areas such as infrastructure development, ecological environment and natural resource protection, market economic order, and public service construction, progressing from simple to complex stages gradually.

6.2. Establishing Legislative Evaluation Mechanisms

Legislative evaluation can be divided into pre-legislation evaluation and post-legislation evaluation, with a focus here on the latter. Post-legislation evaluation is intended to identify issues that arise during the collaborative legislative process to better achieve regional coordinated development, and thereby to inspect and analyze collaborative legislation. Based on the functions of legislative evaluation, the mechanism can be constructed in the following ways:

Firstly, the evaluators. The "Unified Law" could be evaluated by third-party institutions commissioned jointly by the National People's Congress, the local People's Congresses of Guangdong Province and its nine cities, and the Chief Executives of the Hong Kong and Macao Special Administrative Regions. These third parties might include higher education institutions, research organizations, and legal associations that are proficient in regional collaborative legislation and related laws, regulations, and policies.

Secondly, the standards of evaluation. In addition to assessing the legality, rationality, technicality, operability, and effectiveness of legislation, third-party evaluations should also consider the coordination of the legislation with the "one country, two systems" principle, the overall development goals of the Guangdong-Hong Kong-Macao Greater Bay Area, and the satisfaction of the local population.

Finally, the evaluation procedures. On top of the general preparation and implementation steps, the evaluation procedure should pay particular attention to regional characteristics and collaboration. This could involve conducting surveys or field studies to analyze whether courts face difficulties in applying laws, whether enforcement officers can reduce disagreements in administrative management, and whether the degree of collaboration has improved. Upon completing the evaluation, it is important to promptly provide feedback to the legislative departments to refine and supplement existing systems, fostering a bidirectional interaction between theory and practice.

7. Strengthening the Legal Force of Regional Administrative Agreements

Given the robust development of regional administrative agreements, it is prudent to regulate rather than prohibit them.

Firstly, regional administrative agreements should be incorporated into the legal framework to endow them with legal force. For instance, by enacting special or single-issue laws, the signing entities, procedures, scope, format, conditions for effect, record review, and amendments of the collaboration agreements can be regulated. All participating entities need to clearly define their rights, obligations, and responsibilities, especially the consequences of breach. Legally binding collaboration agreements fundamentally ensure the implementation of the agreements, and by fully utilizing existing agreements, redundancy with legislative content can be avoided, reducing legislative costs and complexity[10].

Secondly, the formulation, amendment, repeal, and interpretation processes of regional administrative agreements should be refined, focusing on clearing up unstandardized development agreements. Due to the lack of systematic legal regulations in early regional administrative agreements, irregularities or even illegality exist. Given the complex circumstances of the Guangdong-Hong Kong-Macao Greater Bay Area, legal validity reviews and interpretations of

existing collaborative documents could be conducted by the working departments of the National People's Congress and its Standing Committee. For documents with minor flaws, amendments or corrections should be requested; those significantly unstandardized should be gradually cleared. Reviews should consider whether the agreements maximize the interests of the Greater Bay Area, but given the complexities of social realities, standards should be adjusted as appropriate based on actual conditions.

Lastly, the judicial system should be improved to provide litigation or arbitration support for regional administrative agreements. Regional collaborative development agreements not only bind the entities that formulate them but also impose certain constraints on all citizens, legal entities, and other organizations within the region. As third parties with a vested interest in the agreements, they should be granted the right to judicial remedies to protect their legal interests. Furthermore, given the imbalance between private individuals and public authorities, the introduction of public interest litigation could bridge the gap between private rights and public authority. During litigation, the courts can also use judicial interpretations to further refine and guide regional administrative agreements.

8. Conclusion

As a major national development strategy under the new development concepts of the new era and an innovative practice of advancing the "one country, two systems" policy, the construction of the Guangdong-Hong Kong-Macao Greater Bay Area is bound to undergo a development process from "nascent" to "mature." In facing the challenges of constructing the Greater Bay Area, we must unwaveringly adhere to the principle of "one country, two systems" and fully leverage the advantages of central authority with a fresh perspective. Guided by General Secretary Xi Jinping's thoughts on socialism with Chinese characteristics for a new era, we should build a comprehensive legal and regulatory system, eliminate the rule conflicts across the "one country, three jurisdictions," and ensure the smooth progress of the Greater Bay Area's development.

References

- [1] Central Committee of the Communist Party of China, State Council. *Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area* [OL]. https://www.gov.cn/zhengce/2019-02/18/content_5366593.htm#1. 2019-02-18/2023-11-11.
- [2] Song Baozhen, Chen Jinzhao. *Exploration of Regional Collaborative Legislation Models—Case Study of the Yangtze River Delta* [J]. *Jianghai Academic Journal* 2019,6.
- [3] Chen Wanling, Cao Shu. *Exploration and Innovation Pathways of Regional Economic Legal Systems in China—A Policy Reinforcement Legal Approach* [J]. *Comparative Economic & Social Systems* 2019,6.
- [4] Zhou Lian. *Transformation of Local Governments in China: Official Incentives and Governance* [M]. Shanghai: Gezhi Publishing House, Shanghai Joint Publishing, Shanghai People's Publishing House, 2017.
- [5] Ye Yizhou. *Preliminary Discussion on the Legislative Mechanism for Collaboration in the Guangdong-Hong Kong-Macao Greater Bay Area* [J]. *Local Legislation Studies* 2018,3.
- [6] Yu Wenhao. *Constitutional Pathways for Regional Collaborative Governance* [J]. *Legal and Business Studies* 2022,2.
- [7] Han Dayuan. *Reflections on Advancing the Work of Constitutional Review* [J]. *Legal Science* 2018,2.
- [8] Lin Shanshan. *Theoretical Logic and Model Choices of Regional Collaborative Legislation* [J]. *Theoretical Journal* 2021,3.
- [9] Zhu Zuixin. *Operational Models and Institutional Safeguards for Regional Collaborative Legislation* [J]. *Political and Legal Forum* 2022,4.
- [10] Wang Xinguang, Han Chuanfeng, Tian Cui, et al. *Evolutionary Game Model of Social Organization Participation in Regional Cooperative Governance* [J]. *China Population, Resources, and Environment* 2017,8.