



Editor's Note



In this issue, we have reviewed in the “Focus” the prosecutorial independence of the Secretary for Justice (“SJ”) guaranteed under BL 63. Such independence is a linchpin of the rule of law, and is underpinned by judicial respect for the prosecutorial function, and, more specifically, by the settled common law principle that the courts will only intervene in very narrow circumstances in respect of the SJ’s decision to prosecute or not.

In addition, we have our usual columns of “LegCo President’s Decision on Member’s Bill” and “Judgment Update”. Under the latter column, we have summarized recent judgments by the CFA, which dealt with the protection against self-incrimination and the right to silence, the constitutionality of criminalizing homosexual buggery otherwise than in private in the light of the right to equality before the law, and the doctrine of precedent in the new constitutional order after 1 July 1997. In the “Sidelights”, there is an updated list of members of the Committee for the Basic Law of the HKSAR under the NPCSC.

Also included in this issue are indexes on the topics and cases which were covered by the previous issues of this Bulletin. We hope that these indexes would serve as quick pointers for the information contained in these back issues.

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