



BASIC LAW

BULLETIN



Editor's Note

In this issue, we have prepared an article for the "Focus" reviewing BL 6 and BL 105, which are two key provisions of the Basic Law protecting property rights in Hong Kong. The article examines the notion of "property" under these constitutional provisions, the meaning of "deprivation" in BL 105, and the measure of "real value" compensation for deprivation, in each case with reference to the local case law.

In the column of "*Judgment Update*", we have summarized four court decisions (two by the CFA and two by the CFI), which respectively considered the following important constitutional issues: whether barring legal representation in police disciplinary proceedings would be consistent with the right to fair and public hearing, whether withholding portion of the pay of an interdicted police

officer facing criminal charges would violate the constitutional guarantee of the presumption of innocence, whether statutory provisions disqualifying prisoners from being registered as electors and from voting in Legislative Council elections would impose unreasonable restrictions on the right to vote, and whether the Market Misconduct Tribunal exercises the judicial power of the HKSAR in breach of the doctrine of separation of powers.

In the column of "*LegCo President's Decisions on Members' Bills*", a couple of recent decisions on members' bills are covered, one concerning the Mandatory Provident Fund Schemes (Amendment) Bill 2009, and the other concerning the Smoking (Public Health) (Amendment) Bill 2009.

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