

BASIC LAW BULLETIN

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Editor's Note

In the "Focus" section of this issue, we discuss how "one country, two systems" as enshrined in the Basic Law has contributed to the progressive development of contemporary international law. In particular, we examine how the HKSAR's free economy, common law system as well as the city's robust judiciary and strong rule of law under "one country, two systems" have enabled the city to become a multilateral bridge connecting the Mainland and the world. With the further advancement of "one country, two systems", it is beyond doubt that the HKSAR and the Mainland shall continue to complement and reinforce each other's success.

We have our usual columns "Judgment Update" and "LegCo President's Decision's on Member's Bill". In the "Judgement Update", there are summaries of three judgments of the CFA and a judgment of the CA concerning the following matters:

- Whether the Director of Immigration's decision to refuse the Appellant's dependant visa application for her to stay in Hong Kong as the spouse of her same-sex partner who worked in Hong Kong under an employment visa required any justifications, and whether the differential treatment of heterosexual couples and same-sex couples under the immigration policy was justified.
- Whether ss. 25 and 25A of the Organized and Serious Crimes Ordinance (Cap. 455) interfere with the Applicants' right to use and dispose their property and their right to have access to court, and whether the Police's decision to refuse consent for the banks to deal with the Applicants' accounts was unlawful and unreasonable.
- Whether the Director of Immigration was duty-bound to take into account various rights relied upon by the Appellants including BL 24, BL 37 as well as Articles 14, 19 and 20 of BoR when exercising his discretion to refuse permission to stay to the Appellant mothers, and whether such rights were subject to the immigration exception under s. 11 of the Hong Kong Bill of Rights Ordinance.
- Whether the differential treatment of the Appellant and his same-sex marriage under the Civil Service Regulations and the differential treatment of the Appellant and his same-sex marriage under the Inland Revenue Ordinance (Cap. 112) were rationally connected to the legitimate aim of protecting traditional family or not undermining the institution of marriage.

The column "LegCo President's Decision on Member's Bill" covers a recent decision on Member's Bill concerning the Offences against the Person (Amendment) (Extra-territoriality) Bill 2019.

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