

BASIC LAW BULLETIN

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Editor's Note

Celebrating the 30th anniversary of the promulgation of the Basic Law, we trace the origin, evolution and purpose of "one country, two systems" as well as the drafting process of the Basic Law in the "Focus" section of this issue. In particular, we examine how the unprecedented institution of "one country, two systems" has contributed to the HKSAR's success since 1 July 1997 and how the Region, rooted in "one country", can leverage on "two systems" to maintain and advance HKSAR's stability and prosperity.



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

- Whether s. 11 of the Administrative Instructions for Regulating Admittance and Conduct of Persons (Cap. 382A) constitutes a disproportionate restrictions of the Applicants' right to freedom of speech and demonstration under BL 27 as well as Articles 16 and 17 of BoR.
- Whether the trial judge's refusal to adjourn the *voir dire* when the Appellant was genuinely ill and unable to attend the *voir dire* in one afternoon was in breach of the Appellant's right to be present at his trial under Article 11(2)(d) of BoR.
- Whether Article 4 of BoR includes a prohibition against human trafficking and whether Article 4 imposes a positive duty on the HKSARG to maintain specific criminal offences criminalizing the activities prohibited under the article.
- Whether the Magistrate was correct in finding that what is said and done by a member of LegCo during Panel proceedings is within the immunity under BL 77 provided that it does not amount to an ordinary criminal offence.

The column "LegCo President's Decision on Member's Bill" covers two recent decisions, one on the following three Bills, *i.e.* Residential Care Homes (Elderly Persons) (Amendment) Bill 2020, Residential Care Homes (Persons with Disabilities) (Amendment) Bill 2020, Offence against the Person (Amendment) Bill 2020 and the other one on Rare Diseases Bill.

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Contents

Editor's Note
P1

The Focus
P3

Judgment Update
P26

LegCo President's Decision on Member's Bill
P48



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