

BASIC LAW BULLETIN

December 2021
Issue No. 23

Editor's Note

In the "Focus" section of this issue, we examine the important roles of the "Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region" and of the improvement to the electoral system in the implementation of "one country, two systems" and safeguarding national security. We elucidate that safeguarding national security is the due responsibility of every Chinese citizen, including Chinese citizens among Hong Kong residents, and we explain the concept of national security as well as the overall design for national security under the Basic Law. We also analyse how the "Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region" and the improvement to the electoral system can strengthen national security and maintain the prosperity and stability of Hong Kong.



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 the restriction imposed by s. 104A(1)(b) of the Public Health and Municipal Services Ordinance (Cap. 132) on the Applicants' freedom of expression, assembly and demonstration satisfied the "prescribed by law" test.
- Whether the Standing Order 41-05 issued by the Commissioner of Correctional Services requiring all male prisoners but not female prisoners to have their hair cut "sufficiently close" constituted direct discrimination under s. 5(1)(a) of the Sex Discrimination Ordinance (Cap. 480) and was in breach of BL 25.
- Whether the CE in C was lawfully given power by the LegCo to make the Prohibition on Face Covering Regulation under s. 2 of the Emergency Regulations Ordinance (Cap. 241) and whether Cap. 241 was constitutional.
- How to correctly construct Article 42(2) of the "Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region" in relation to the granting of bail in cases involving acts endangering national security.

The column "LegCo President's Decision on Member's Bill" covers two recent decisions, one on Protection of Children Legislation (Amendments) Bill 2020 and the other on Waterworks (Waterworks Regulations) (Amendment) Bill 2020.

In "Sidelights", there is an updated list of members of the Committee for the Basic Law of the HKSAR under the NPCSC.

This publication is edited by the Constitutional and Policy Affairs Division of the Department of Justice. It is published jointly by the Department of Justice, the Civil Service Bureau and the Constitutional and Mainland Affairs Bureau for the general reference of primarily the Civil Service and is not intended to provide professional advice on any particular matter or to form the basis of any decision as to a particular course of action. While every effort has been made to ensure accuracy, no responsibility can be accepted by the Department of Justice, the Civil Service Bureau or the Constitutional and Mainland Affairs Bureau for errors and omissions however caused.

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基本法推廣導委員會
Basic Law Promotion
Steering Committee

This publication is
published in support of
the work of the Basic Law
Promotion Steering
Committee