

BASIC LAW BULLETIN

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Editor's Note

In the "Focus" section of this issue, we discuss the features and significance of the nine arrangements on mutual legal assistance ("MLA") between the Mainland and the HKSAR in civil and commercial matters as well as the reciprocal assistance in taking of evidence in criminal matters. Drawing on our past experience of the implementation of the MLA arrangements, we consider the way forward in improving them to address the evolving social needs. In sum, the MLA regime bears strong testimony to the unique advantages of the "one country, two systems" principle under the Basic Law. The conclusion and implementation of the MLA arrangements would reinforce Hong Kong's competitiveness as a leading centre for international legal and dispute resolution services in the Asia Pacific Region.

In our usual column "Judgment Update", there are summaries of one judgment of the CFA and three judgments of the CA concerning the following matters:

- Whether the deeming provision in the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Ordinance (Cap. 632) which deems the Mainland Port Area at the West Kowloon Station as an area lying outside Hong Kong but lying within the Mainland for the purpose of applying the Mainland law and the delineation of jurisdiction contravened BL 18 and BL 19, and diminished the high degree of autonomy enjoyed by the HKSAR.
- Whether the Ding rights conferred by the Small House Policy on indigenous inhabitants of the New Territories constituted "lawful traditional rights and interests" under BL 40.
- Whether certain television and radio advertisements on the 2017 CE election entitled "2017, Make it happen!" were "announcements in the public interest"; and even if yes, whether the Applicant's right to freedom of expression under BL 27 and Article 16 of BoR was infringed.
- Whether the imposition of the Buyer's Stamp Duty on all residential properties by s. 29CB of the Stamp Duty Ordinance (Cap. 117) engaged the right to acquire property protected under BL 6 and BL 105.

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