

# BASIC LAW BULLETIN

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## Editor's Note

In the "Focus" section of this issue, we analyze the political structure of the HKSAR from a holistic perspective. We start with a brief overview of the relationship between the Central Authorities and the HKSAR. We highlight that whilst the HKSAR is a special administrative region of the PRC enjoying a high degree of autonomy, it is subject to the overall jurisdiction of the Central Authorities. In the interfaces between the Mainland system and the Hong Kong system, the NPCSC shall be the ultimate arbiter. We further discuss the executive-led political system under Chapter IV of the Basic Law with the emphasis on the mutual checks and balances between the three branches of the government and their respective roles under the Basic Law.

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

- Whether a then member of the LegCo was immune from prosecution for an alleged offence of contempt during a committee meeting of the LegCo by reason of freedom of speech and debate in the LegCo.
- Whether the right to private prosecution, embedded in s. 14(1) of the Magistrates Ordinance (Cap. 227), was compatible with the exclusive power of the Secretary for Justice to control criminal prosecutions under BL 63.
- Whether the Secretary for Justice had the exclusive right to bring criminal contempt proceedings against an alleged contemnor and whether BL 63 applied to criminal contempt proceedings.
- Whether the decision of the Commissioner of Registration refusing to amend the gender marker on the Appellants' Hong Kong identity cards to reflect their acquired gender and whether the Commissioner's policy that the gender marker on a transgender individual's Hong Kong identity card would only be amended upon completion of full sex re-assignment surgery had infringed the Appellants' right to privacy protected by Article 14 of BoR.

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

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