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Editor's Note

In the “*Focus*” section of this issue, we examine the Safeguarding National Security Ordinance (“SNSO”) which is essential to the successful implementation of the “one country, two systems” policy. The enactment of the SNSO not only fulfils our constitutional obligation under BL 23 but is also in line with international practice. We highlight that the SNSO expressly stipulates the protection of human rights in accordance with the law and the adherence to the principle of the rule of law in safeguarding national security. We then illustrate that the main offences under the SNSO are reasonably certain and clear with suitable exceptions and defences, and that the extra-territorial effect of the offences under the SNSO is proportionate, reasonable and tailored to address the specific national security threats concerned. We further explain the important gate-keeping role played by our courts under the SNSO.

In our usual column “*Judgment Update*”, there are summaries of two judgments of the CFA and one judgment of the CA concerning the following matters:

- What constituted “earnings of prostitution of another” and the scope of the offence of living on the earnings of prostitution of another, as well as the constitutionality of s. 137(1) of the Crimes Ordinance (Cap. 200).
- In a prosecution for an offence of incitement to knowingly take part in an unauthorized assembly contrary to common law and s. 17A(3)(a) of the Public Order Ordinance (Cap. 245), whether it was open to a defendant to raise by way of defence the legality of the police’s prohibition of the subject public meeting even though the police’s decision had been subsequently upheld by the Appeal Board.
- Upon proper interpretation of Regulation 21(1)(b) of the Legal Aid Regulations (Cap. 91A), to what extent, if any, is the legal professional privilege at common law, also a right guaranteed constitutionally under BL 35, abrogated or limited.

Contents

Editor's Note
P.1

The Focus
P.3

Judgment
Update
P.22

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