

BASIC LAW BULLETIN

Editor's Note

In the “Focus” section of this issue, we discuss the significant roles of the NPC under the Basic Law. Starting with a brief overview of the powers of the NPC and its Standing Committee under the Constitution, we then examine their interrelated roles in the successful implementation of the “one country, two systems” policy in the HKSAR. Apart from being the founder of the HKSAR and the guardian of “one country, two systems”, the NPC and the NPCSC are also a facilitator, enabling Hong Kong’s different systems to develop within the parameter of the Basic Law to meet new challenges. The NPCSC further acts as a custodian in overseeing legislation passed by the LegCo of the HKSAR and as the final interpreter of the Basic Law. The NPC is also the legislator entrusted with the power to amend the Basic Law. The roles of the NPC and the NPCSC will remain pivotal as the HKSAR continues to thrive under the Basic Law and “one country, two systems”.

In our usual column “*Judgment Update*”, there are summaries of three judgments of the CFA concerning the following matters:

- Whether the No Consent Regime operated by the Commissioner of Police and the Letters of No Consent issued were consistent with (i) the right to property in BL 6 and BL 105, (ii) rights to privacy and family life in Article 14 of BoR, and (iii) rights to access to legal advice and to the court in BL 35 and Article 10 of BoR.
- Whether the Hong Kong court should follow the persuasive, though not binding, decisions of the Supreme Court of the United Kingdom and, if so, in what circumstances, and to what extent, it should conduct an operational proportionality exercise.
- Whether BL 36 conferred on opposite-sex married couples a constitutional right, as defined by the eligibility rules in existence as at 1 July 1997, to exclusively apply for public rental housing units as spouses under the “Ordinary Families” category.

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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