

TABLE OF CONTENTS

<i>Preface to the Second Edition</i>	v
<i>Foreword to the First Edition</i>	vii
<i>Preface to the First Edition</i>	xi
<i>Table of Cases</i>	xxxiii
<i>Table of Legislation</i>	lxxvii
<i>Table of International Laws, Conventions, Treaties and General Comments</i>	cvii

PART I HISTORICAL BACKGROUND

CHAPTER 1 FROM COLONY TO SPECIAL ADMINISTRATIVE REGION

Johannes Chan

1. Establishment of the Colony	1.002
(a) Cessation of Kowloon peninsula	1.009
(b) Lease of the New Territories	1.010
2. Early Days of British Administration.....	1.011
3. Shadow of Uncertainty over Hong Kong's Future	1.025
4. The Negotiation.....	1.034
5. Sino-British Joint Declaration.....	1.051
6. A "High Degree of Autonomy" for Hong Kong	1.058
7. Preparation for Transfer of Sovereignty.....	1.062
(a) Languages of the law	1.063
(b) Localization and adaptation of laws	1.065
(c) Preservation of rights and obligations in international treaties	1.072
(d) Other transitional issues	1.076
8. Drafting of the Basic Law	1.077
9. Representative Government	1.081
10. End of an Era	1.092

PART II A NEW CONSTITUTIONAL ERA: ONE COUNTRY, TWO SYSTEMS

CHAPTER 2 AUTONOMY AND CENTRAL-LOCAL RELATIONS

C.L. Lim and Johannes Chan

1. Overview of the Basic Law Provisions on Autonomy	2.001
2. Hong Kong's Autonomy Model: Extent and Nature of Autonomy	2.020

3. Absence of a "Conflict" Resolution Mechanism	2.023
4. Separation of Powers.....	2.026
5. Residual Powers	2.032
6. Sources of Laws	2.033
7. Hong Kong's Role in the PRC	2.035
8. Hong Kong and Other Parts of the PRC	2.040
9. Hong Kong and the PRC Constitution.....	2.043
10. Legislative Process.....	2.060
11. Application of National Laws	2.067
12. Act of State and Emergency Powers	2.072
13. Interpretation of the Basic Law.....	2.080
14. Amendment of the Basic Law and the Question of Entrenchment	2.094
15. Basic Law Committee.....	2.105
16. Appointment of Chief Executive and Principal Officials.....	2.106
17. Garrison	2.116
18. Conflict of Laws and the Mutual Enforcement of Judgments	2.119
19. One Country, Two Economic Systems?	2.126

CHAPTER 3 EXTERNAL AFFAIRS

C.L. Lim and Roda Mushkat

1. Introduction.....	3.001
2. Is Hong Kong an International Person?	3.003
3. External Affairs Powers.....	3.015
(a) General	3.015
(b) Membership in international organisations	3.017
(c) Membership in regional organisations	3.025
(d) Conduct of external affairs <i>via</i> NGOs	3.026
(e) Membership in multilateral and bilateral treaties	3.028
(f) Foreign consular missions in Hong Kong and trade missions abroad.....	3.030
4. Jurisdictional Issues	3.032
(a) General	3.032
(b) Territorial jurisdiction.....	3.033
(c) Extraterritorial jurisdiction.....	3.035
(d) Personal jurisdiction	3.040
(e) International and comparative, common law aspects of Hong Kong's jurisdictional authority.....	3.043
(f) Exceptions and immunities from jurisdiction	3.048
(g) Hong Kong's international obligations	3.097
(h) Application of international law in domestic law	3.111
5. Conclusion	3.128

CHAPTER 4 LANGUAGE

Anne SY Cheung

1. Introduction.....	4.001
2. Historical Circumstances and Social Implications of Bilingual Policy in Hong Kong	4.007
3. Language Rights Before the Courts.....	4.016
(a) Nature of language right.....	4.016
(b) Basic Law Article 9: right of party versus right of judges	4.030
(c) Official Languages Ordinance: battle between using "either" or "both" of the official languages.....	4.041
4. Bilingualism Outside the Courts.....	4.051
(a) Civil Service.....	4.052
(b) University education.....	4.056
5. Bilingual Discrepancy.....	4.061
(a) Conflict between English and Chinese statutory provisions	4.062
(b) Conflict between English and Chinese provisions in the Basic Law.....	4.075
(c) Imprecise use of legal terms in judgments delivered in Chinese	4.081
6. Conclusion	4.087

CHAPTER 5 NATIONALITY AND PERMANENT RESIDENCE

Johannes Chan

1. British Nationality Law.....	5.002
2. Arrangements Upon the Change of Sovereignty.....	5.005
3. British and Other Nationality Schemes.....	5.007
4. Chinese Nationality Law.....	5.008
5. Chinese Nationality of the People of Hong Kong.....	5.012
6. Permanent Residents and Right of Abode.....	5.023
(a) Category 1: Born in Hong Kong	5.034
(b) Category 2: Seven-year ordinary residence in Hong Kong.....	5.035
(c) Category 3: Born out of Hong Kong to permanent resident	5.038
(d) Category 4: Persons not of Chinese nationality	5.050
(e) Category 5: Children born in Hong Kong to Category 4 parents	5.052
(f) Category 6: Other persons.....	5.053
7. Non-Permanent Residents.....	5.054

CHAPTER 6 NATIONAL SECURITY

Fu Hualing and Richard Cullen

1. Introduction.....	6.001
2. Meaning of Article 23	6.004
3. Implementing Article 23	6.021
4. The China Factor.....	6.036
5. Conclusion	6.048

PART III POLITICAL STRUCTURE

CHAPTER 7 THE CHIEF EXECUTIVE

Benny Tai

1. Introduction.....	7.001
2. Executive-led Form of Government.....	7.013
3. Selection and Appointment.....	7.022
(a) Selection.....	7.022
(b) Appointment.....	7.096
(c) Term of office.....	7.099
(d) Qualification.....	7.110
(e) Vacancy of office.....	7.116
4. Powers.....	7.118
(a) Power to nominate principal officials.....	7.119
(b) Power to appoint members of the Executive Council.....	7.132
(c) Power to issue Executive order.....	7.138
(d) Power to make a referral to the NPCSC for interpreting the Basic Law.....	7.145
(e) Power to pardon.....	7.147
5. Chief Executive and LegCo.....	7.151
(a) Accountability.....	7.151
(b) Law making.....	7.153
(c) Dissolution of LegCo and resignation.....	7.155
(d) Private members bill.....	7.159
(e) Impeachment.....	7.167
(f) Financial control.....	7.170
(g) Power to order Government officials not to give evidence before LegCo.....	7.174
6. Chief Executive and the Judiciary.....	7.178
7. Conclusion.....	7.185

CHAPTER 8 DEVELOPMENT OF REPRESENTATIVE GOVERNMENT

Albert HY Chen

1. Introduction.....	8.001
2. Colonial Hong Kong before the 1980s.....	8.003
3. Period of Transition from the 1980s to 1997.....	8.019
4. Hong Kong Special Administrative Region.....	8.041
(a) Nature and operation of the political system.....	8.044
(b) Democracy movement and its aftermath: 2003–2010.....	8.059
(c) Constitutional reform of 2010.....	8.065
(d) The controversy over universal suffrage in 2017.....	8.079
(e) Comments and analysis.....	8.090
(f) The “pan-democrats” and the “pro-China/ pro-Establishment” camp.....	8.092
(g) Concluding reflections.....	8.099
5. Epilogue.....	8.107

CHAPTER 9 THE LEGISLATURE

Margaret Ng

1. Introduction.....	9.001
2. The Legislative Process: the Journey of a Bill.....	9.006
(a) Pre-legislation consultation.....	9.007
(b) Formal legislative procedure.....	9.010
3. Monitoring Public Finance.....	9.033
(a) Financial Procedure.....	9.034
(b) Approval of financial proposals.....	9.043
4. The Committee System.....	9.049
(a) Committee system of the Legislative Council.....	9.052
5. Rules of Procedure.....	9.063
(a) Parliamentary privilege.....	9.064
(b) Contents of the Rules of Procedure.....	9.068
6. Filibustering and Court Challenges to the Rules of Procedure.....	9.073
7. How Effective has LegCo been in Monitoring the Government?.....	9.085

CHAPTER 10 THE EXECUTIVE GOVERNMENT

*Richard Cullen and
Xiaonan Yang*

1. Introduction.....	10.001
2. Central Institutions.....	10.005
(a) Principal officials.....	10.005
(b) Civil Service.....	10.040
(c) Summary.....	10.047
3. Supervisory Bodies.....	10.050
(a) Independent Commission Against Corruption.....	10.051
(b) Audit Commission.....	10.075
(c) Ombudsman.....	10.083
(d) Other supervisory bodies.....	10.104
4. Conclusion.....	10.110

CHAPTER 11 THE JUDICIARY

Johannes Chan

1. Preservation and Continuity of the Previous Judicial System.....	11.002
2. Court of Final Appeal.....	11.004
3. The High Court.....	11.014
4. District Court.....	11.016
5. Magistrates' Court.....	11.017
6. Other Special Courts.....	11.020
7. Judicial Power and Administrative Tribunals.....	11.023
8. Principle of <i>Stare Decisis</i>	11.031

9. Independence	11.036
(a) Appointment of judges	11.042
(b) Removal of judges and security of tenure	11.047
(c) Determination of judicial remuneration and judicial budget	11.054
(d) Judicial immunity	11.057
(e) Open and public trial and a free media	11.058
(f) An independent legal profession	11.060
(g) Code of conduct, ethics, tradition and convention	11.061
(h) Judicial accountability	11.062
10. National People's Congress Standing Committee	11.063

PART IV ECONOMY AND SOCIAL POLICIES

CHAPTER 12 FISCAL POLICY AND FINANCIAL SYSTEM

*Richard Cullen, Douglas Arner,
Berry Hsu, Xiaonan Yang,
Antonietta Wong and Evan Gibson*

1. Introduction	12.001
2. Budget and Appropriation Process	12.005
(a) British tradition and the colonial practice	12.005
(b) Budget and fiscal control under the Basic Law	12.010
(c) Prudent public finance policies and fiscal reserves	12.015
3. Revenue Regime	12.025
(a) Financing the colonies	12.025
(b) Revenue regime development	12.028
4. Financial Law and Regulation	12.062
(a) Financial regulatory system	12.063
(b) Pre-existing weaknesses	12.083
(c) Implications of the global financial crisis of 2008	12.095
5. Hong Kong's Future as an International Financial Centre	12.101
(a) Competition and competitiveness	12.102
(b) Opportunities	12.108
(c) Reforming regulatory structure	12.111
6. Justiciability of Relevant Basic Law Provisions	12.119
7. Conclusion	12.132

CHAPTER 13 LAND

Michael Wilkinson

1. Introduction	13.001
2. Evolution of Land Holding, Vesting and Alienation of Land by the State	13.003
(a) Evolution of land holding	13.003

(b) Alienation of land into private ownership	13.006
(c) The application system	13.010
3. Advantages of Leasehold Tenure System	13.012
(a) Conditions and restrictive covenants in Government grants	13.013
(b) Government revenue from land	13.019
4. Existing Government Leases, Extensions and Creation of New Leases	13.040
(a) Initial term of Government leases	13.041
(b) Effect of Sino-British Joint Declaration and Basic Law on existing leases	13.044
5. Right to Ownership of Property, Expropriation and Compensation	13.059
(a) Right to private ownership of property	13.059
(b) Lawful deprivation of property	13.062
(c) Re-entry by the Government	13.065
(d) Resumption under the Lands Resumption Ordinance	13.078
(e) Deprivation of land through planning controls	13.115
(f) Deprivation of land by adverse possession	13.123
(g) Effect of the Handover on squatters' titles in New Territories	13.130
(h) Effect of the Handover on squatters' titles in Hong Kong Island and Kowloon	13.132

CHAPTER 14 EDUCATION, SCIENCE, CULTURE, SPORTS, RELIGION, LABOUR AND SOCIAL SERVICES

Jolene Lin

1. Introduction	14.001
2. Continuity and Change	14.005
(a) Three-part test	14.010
(b) Change and continuity: Organisations other than the Government	14.011
(c) Pragmatic accommodation and codification	14.014
3. Protecting the Rights of Non-Governmental Entities	14.015
(a) Academic freedom	14.016
(b) Religious organisations	14.019
4. Relationship between Articles 36 and 145	14.023
5. Conclusion	14.026

CHAPTER 15 CIVIL AVIATION AND SHIPPING

*Yun Zhao and
Felix Chan*

1. Civil Aviation	15.002
(a) Introduction	15.002
(b) Management structure	15.006
(c) Air service agreements	15.016
(d) Conclusion	15.026
2. Shipping	15.028

PART V FUNDAMENTAL RIGHTS AND FREEDOMS

CHAPTER 16 BASIC LAW, HONG KONG BILL OF RIGHTS AND THE ICCPR

Dinusha Panditaratne

1. Introduction.....	16.001
2. Application of the ICCPR to Hong Kong and the Bill of Rights Regime.....	16.009
(a) Ratification of the ICCPR	16.009
(b) Enactment of the HKBORO	16.016
3. Relation Between the Basic Law, Hong Kong Bill of Rights and ICCPR	16.030
(a) Basic Law and the framework of rights.....	16.030
(b) Rights in the Basic Law versus HKBORO regime.....	16.035
(c) The tripartite framework	16.051
4. Reporting Obligations under the ICCPR as a Means to Advance the Protection of Rights in Hong Kong	16.128
(a) International reporting obligations.....	16.129
(b) Effect of the reporting obligations in Hong Kong.....	16.132
5. Conclusion	16.140

CHAPTER 17 INTERPRETING CONSTITUTIONAL RIGHTS AND PERMISSIBLE RESTRICTIONS

*Johannes Chan and
C.L. Lim*

1. From Common Law Protection to Bill of Rights Regime	17.001
(a) Common law protection of rights	17.001
(b) Common law and international law	17.003
(c) Continued significance of the HKBORO.....	17.005
2. Overall Structure of the Basic Law	17.009
(a) Power of constitutional review	17.015
(b) Reception of international and comparative jurisprudence	17.018
(c) Dual nature of the Basic Law.....	17.019
3. Scope of Application.....	17.025
(a) The Legislature	17.025
(b) Government and public authority	17.026
(c) Horizontal effect, inter-citizen litigation and application to court.....	17.027
4. A Generous and Purposive Approach	17.035
5. Principle of Legality.....	17.044
6. Principle of Proportionality	17.053
(a) Legitimate objectives	17.055
(b) Public order (<i>ordre public</i>)	17.059
(c) Arbitrary interference with rights	17.063

7. Doctrine of Margin of Appreciation.....	17.065
(a) Deference to the Legislature	17.067
(b) Deference to the Executive Government	17.070
(c) Deference is not judicial abdication	17.071
(d) From Proportionality to manifestly without reasonable foundation.....	17.073
8. Social, Economic and Cultural Rights	17.081
9. Continuity with the Previous System.....	17.088
10. Conclusion	17.098

CHAPTER 18 RIGHT TO LIFE

Michael Hor

1. Introduction.....	18.001
2. Rule Versus Exception	18.002
3. Right Versus Right	18.003
4. Death Penalty	18.004
(a) Re-introduction	18.005
(b) Restriction.....	18.006
(c) Extradition and the Prohibition against "Complicity"	18.008
(d) Broader context.....	18.011
5. Abortion	18.012
(a) Is there a "life"?	18.013
(b) A certain kind of life.....	18.014
(c) When is deprivation "arbitrary"?	18.015
(d) The embryo—still life?.....	18.017
6. Euthanasia	18.018
(a) Active, voluntary and self-administered.....	18.020
(b) Active, voluntary and assisted.....	18.021
(c) Passive and voluntary	18.026
(d) Involuntary.....	18.029
7. Far Frontiers	18.034

CHAPTER 19 RIGHT TO FAIR TRIAL AND THE CRIMINAL PROCESS

*Simon NM Young and
Sarah Cheng*

1. Introduction.....	19.001
2. Relevant Drafting History	19.006
3. General Principles	19.009
(a) Right includes a number of constituent rights.....	19.010
(b) Right is absolute	19.014
(c) Right does not guarantee perfect trials.....	19.015
(d) Trial fairness should be viewed in the round.....	19.017
(e) Right involves the triangulation of interests of the accused, victim and society.....	19.018
4. Purposes of the Right to a Fair Trial	19.023

5. Meaning of "Criminal Charge"	19.025
6. Pre-trial Entitlements Essential to Guaranteeing a Fair Trial	19.032
(a) Right to silence and privilege against self-incrimination	19.033
(b) Right to be tried without undue delay	19.049
(c) Freedom from double jeopardy	19.057
(d) Right to confidential legal advice	19.062
(e) Prohibition of retroactive criminal offences and penalties	19.065
7. Entitlements in Respect of the Tribunal	19.068
(a) Right to a competent, independent and impartial tribunal	19.069
(b) Principle of trial by jury	19.080
8. Entitlements in the Conduct of the Trial	19.084
(a) Equal access and equality of arms	19.085
(b) Right to be presumed innocent	19.088
(c) Right not to be compelled to testify against oneself	19.121
(d) Right to prior notice	19.124
(e) Right to a public hearing	19.126
(f) Right to be present at trial	19.130
9. Entitlements in Making Full Answer and Defence	19.133
(a) Right to legal representation	19.134
(b) Right to defend oneself in person	19.155
(c) Right to disclosure	19.157
(d) Right to call witnesses	19.161
(e) Right to examine witnesses	19.162
(f) Right to the free assistance of an interpreter	19.167
10. Post-Conviction Entitlements	19.170
(a) Right to review one's conviction and sentence	19.171
(b) Right to compensation for a miscarriage of justice	19.180
11. Conclusion	19.183

CHAPTER 20 RIGHT TO FAIR HEARING IN NON-CRIMINAL PROCESS

Johannes Chan

1. Right of Access to Lawyers	20.006
2. Right to Confidential Legal Advice and Legal Professional Privilege	20.010
3. Preventive Surveillance	20.020
4. Right of Access to the Courts	20.022
5. Right to a Fair Hearing	20.029
6. Rights and Obligations in a Suit at Law	20.034
(a) The underlying concern	20.034
(b) Development under the European Convention	20.039
(c) Parallel Development under the ICCPR	20.044
(d) The Hong Kong Approach	20.051

7. Right to a Fair Hearing by an Independent and Impartial Tribunal	20.055
(a) An overview	20.055
(b) Determination	20.056
(c) Public hearing	20.057
(d) Fair hearing	20.058
(e) Curative effect	20.059
(f) Competent, independent and impartial tribunal	20.062

CHAPTER 21 FREEDOM OF EXPRESSION

Po Jen Yap

1. Freedom of Expression	21.001
2. Rationale for Protecting Free Expression	21.004
3. Flag Desecration	21.006
4. Contempt of Court	21.012
5. Defamation	21.024
6. Regulation of Members in Professional Bodies	21.036
7. Media Content-based Regulation in Hong Kong	21.042
8. Regulation of Radio Broadcast	21.052
9. Restrictions on the Disclosure of Confidential Information	21.067
10. Hate Propaganda	21.070
11. Forced Expression	21.073

CHAPTER 22 RIGHT TO PRIVACY, UNLAWFUL SEARCH AND SURVEILLANCE

Michael Jackson

1. Introduction	22.001
2. Constitutional Protection	22.011
(a) Restrictions	22.021
(b) Relative importance of the "right to privacy"	22.037
(c) Admissibility of evidence obtained in breach of privacy rights	22.040
3. The Right to "Privacy"	22.046
(a) Personal privacy	22.047
(b) Informational privacy	22.064
4. Unlawful Search	22.073
(a) Search of the person	22.084
(b) Searches of property	22.127
5. Freedom and Privacy of Communications and Freedom from Surveillance	22.148
(a) Covert surveillance and interception of communications	22.149
(b) Interception of Communications and Surveillance Ordinance (Cap.589)	22.157
6. Conclusion	22.186

CHAPTER 23 FREEDOM OF ASSEMBLY AND ASSOCIATION

Po Jen Yap

1. Introduction.....	23.001
2. Rationale for Protecting Freedom of Assembly and Association.....	23.006
3. Public Meetings and Demonstrations	23.009
(a) Statutory regime of the Public Order Ordinance.....	23.009
(b) Landmark case-law developments	23.019
(c) Positive obligations on the Government.....	23.030
(d) Prior restraint and the statutory legitimate purposes for intervention.....	23.034
(e) Facial and "as applied" challenges.....	23.044
(f) Content based and "time, space and manner" restrictions	23.048
(g) Public/private nature of the demonstration venue	23.052
4. Freedom of Association	23.057
(a) What is an association?.....	23.057
(b) Statutory regime of the Societies Ordinance.....	23.062
(c) Restrictions on the freedom of association	23.067
5. Trade Union Activities	23.070
(a) Right to form and join trade unions	23.072
(b) Right to protection from anti-union discrimination	23.076
(c) Right to collective bargaining	23.080
(d) Right to strike.....	23.083
(e) Freedom of non-association	23.090

CHAPTER 24 FREEDOM OF CONSCIENCE AND RELIGIOUS BELIEF

Puja Kapur

1. Introduction.....	24.001
2. Freedom of Thought, Conscience and Religion: Scheme of Protection	24.006
3. Content of the Right as Protected in Hong Kong.....	24.017
(a) "Freedom of religious belief".....	24.019
(b) "Freedom of conscience".....	24.031
(c) Right to manifest religious or other belief.....	24.060
4. Religious Organisations and the Right to Institutional Independence.....	24.084
5. Permissible Limitations.....	24.103
(a) Limitations against the manifestation of religion or belief.....	24.103
(b) Equality, non-discrimination and burdens on free exercise.....	24.120
(c) Rules of private institutions	24.122
(d) Public institutions or laws of general applicability.....	24.133
6. Claimants and Standing	24.151
(a) General.....	24.151
(b) Standing of religious organisations	24.154
7. Conclusion	24.157

CHAPTER 25 FREEDOM OF CHOICE OF OCCUPATION AND ACADEMIC FREEDOM

Firew Kebede Tiba

1. Choice of Occupation	25.002
2. Academic Freedom	25.026
(a) Concept of academic freedom.....	25.027
(b) Academic freedom and other rights and freedoms	25.037
3. Conclusion	25.080

CHAPTER 26 RIGHT TO SOCIAL WELFARE

Karen Kong

1. Introduction.....	26.001
2. Social Welfare System in Hong Kong.....	26.004
3. Social Welfare as a Constitutional Right	26.007
(a) Definition of social welfare	26.007
(b) Rationale of the right to social welfare	26.015
(c) In accordance with law.....	26.016
(d) Hong Kong residents.....	26.025
(e) Protection of the labour force.....	26.026
4. Nature and Scope of the Right.....	26.031
(a) Social welfare as a limited right.....	26.035
(b) Relationship between Articles 36 and 145.....	26.037
(c) Proportionality test.....	26.049
(d) Remedies.....	26.056
(e) Obligations under ICESCR.....	26.059
5. Right to Social Welfare and Non-Discrimination	26.066
(a) Non-residents	26.067
(b) Two-way Permit holders	26.068
(c) Non-permanent residents	26.086
(d) Permanent residents not continuously residing in Hong Kong	26.090
(e) Refugees and asylum seekers.....	26.092
(f) Social welfare and non-discrimination.....	26.094
6. Right to Social Welfare and Other Rights.....	26.095
7. Administrative Justice and Social Security.....	26.097
8. Non-Governmental Organisations	26.099
9. Conclusion	26.100

CHAPTER 27 RIGHT TO FAMILY

Keith Hotten

1. Introduction.....	27.001
2. Article 37.....	27.003
(a) Modern marriage.....	27.006
(b) Right to marry.....	27.007

(c) Restrictions under Article 37.....	27.012
(d) Right to family life.....	27.024
(e) Civil partnerships.....	27.035
(f) Customary marriages.....	27.044

CHAPTER 28 RIGHT TO EQUALITY AND NON-DISCRIMINATION

Kelley Loper

1. Introduction.....	28.001
2. Sources of a Constitutional Right to Equality.....	28.005
(a) Basic Law, Hong Kong Bill of Rights and the ICCPR.....	28.005
(b) Anti-discrimination statutes.....	28.009
3. Concepts of Equality.....	28.014
4. Meaning of Discrimination, the Justification Test and the Prohibited Grounds.....	28.020
(a) Meaning of discrimination.....	28.020
(b) Justification for distinctions.....	28.029
(c) Special measures.....	28.033
(d) Prohibited grounds.....	28.039
5. Conclusion.....	28.054

CHAPTER 29 RIGHT TO VOTE AND RIGHT TO POLITICAL PARTICIPATION

C.L. Lim

1. Introduction.....	29.001
2. Right to Vote: An Equal Right?.....	29.009
(a) The treaty debate in relation to LegCo elections.....	29.009
(b) Challenges brought before the courts.....	29.027
3. Domestic Constitutional Practice.....	29.033
(a) "Ultimate aim", "gradual and orderly progress" and "actual situation" clauses.....	29.033
4. Right to Political Participation.....	29.078
(a) Post of Chief Executive.....	29.082
(b) Election to LegCo.....	29.089
(c) Challenges before the courts.....	29.092
(d) Relationship between the right to stand for election and the right to vote.....	29.099
5. Conclusion.....	29.103

CHAPTER 30 RIGHTS OF NEW TERRITORIES INDIGENOUS INHABITANTS

Johannes Chan

1. Introduction.....	30.001
2. Basic Law Protection.....	30.003
(a) Traditional rights and interests.....	30.005
(b) Scope of traditional rights and interests.....	30.014
(c) Small House Policy.....	30.017
(d) Free Building Licence.....	30.031

(e) Private Treaty Grant.....	30.032
(f) Overseas applications for Private Treaty Grants.....	30.050
(g) Lawful rights and interests.....	30.051
(h) Discrimination and Small House Policy.....	30.058
(i) Rights of indigenous inhabitants and non-discrimination.....	30.060
(j) Female New Territories indigenous inhabitants.....	30.077

3. Heung Yee Kuk.....	30.078
4. Conclusion.....	30.083

CHAPTER 31 RIGHT TO PROPERTY

Oliver Jones

1. Introduction.....	31.001
2. Articles 6 and 105 of the Basic Law.....	31.002
3. Protected Personal Property.....	31.007
4. "In Accordance with Law".....	31.030
5. Deprivation and Compensation.....	31.036
6. Acquisition, Use, Disposal and Inheritance.....	31.052
7. Ownership of External Enterprises and Investments.....	31.065
8. Role of Article 6.....	31.069
9. Conclusion.....	31.072

CHAPTER 32 RIGHT TO JUDICIAL REMEDIES

Johannes Chan

1. Introduction.....	32.001
2. Public Law Remedies.....	32.003
(a) Habeas Corpus.....	32.003
(b) Prerogative Writs.....	32.004
(c) Procedural Requirements.....	32.006
3. Private Law Remedies in Public Law Context.....	32.017
(a) Declaration.....	32.017
(b) Injunction.....	32.051
(c) Relator Action.....	32.056
(d) Writ of <i>Quo Warranto</i>	32.057
(e) Constitutional Damages.....	32.058
(f) Breach of Statutory Duties.....	32.067