

Interpreting Hong Kong's Basic Law: The Struggle For Coherence

[#Hong Kong Basic Law](#) [#Basic Law Interpretation](#) [#Legal Coherence Hong Kong](#) [#HK Constitutional Struggle](#) [#One Country Two Systems](#)

Delve into the complexities surrounding the interpretation of Hong Kong's Basic Law, a critical document defining the region's autonomy. This piece explores the ongoing struggle for coherence in applying its principles, examining the legal and political challenges that shape Basic Law interpretation within the 'One Country, Two Systems' framework. Understand the historical context and contemporary debates striving for legal coherence in Hong Kong amidst shifting dynamics.

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Interpreting Hong Kong's Basic Law: The Struggle for Coherence

On July 1, 2007, Hong Kong celebrated its tenth anniversary as a special administrative region of China. It also marked the first decade of its unique constitutional order in which Hong Kong courts continue to apply and develop the common law but the power of final interpretation of the constitution lies with the Standing Committee of the National People's Congress. This book is a collection of chapters by leading constitutional law experts in Hong Kong who examine the interpretive issues and conflicts which have arisen since 1997. Intervention by China in constitutional interpretation has been restrained but each intervention has had significant political and jurisprudential impact. The authors give varied assessments of the struggle for interpretive coherence in the coming decade.

Interpreting Hong Kong's Basic Law

Legislative history, original intent, and the interpretation of the Basic Law / Simon N.M. Young -- Embracing universal standards? : the role of international human rights treaties in Hong Kong's constitutional jurisprudence / Carole J. Petersen -- Constitutionalism in the shadow of the common law : the dysfunctional interpretive politics of Article 8 of the Hong Kong Basic Law / Michael W. Dowdle -- Interpreting constitutionalism and democratisation in Hong Kong / Michael C. Davis -- Forcing the dance : interpreting the Hong Kong Basic Law dialectically / Robert J. Morris -- The political economy of interpretation / Yash Ghai -- One term, two interpretations : the justifications and the future of Basic Law interpretation / Lin Feng and P.Y. Lo -- Rethinking judicial reference : barricades at the gateway? / P.Y. Lo -- Formalism and commitment in Hong Kong's constitutional development / Yu Xingzhong -- Of iron or rubber? : people's deputies of Hong Kong to the National People's Congress / Hualing Fu

and D.W. Choy --Legislative interpretation by China's National People's Congress Standing Committee : a power with roots in the Stalinist conception of law / Sophia Woodman -- China's constitutionalism / Lison Harris.

Introduction to the Hong Kong Basic Law

Effective since China's resumption of sovereignty on 1 July 1997, the Hong Kong Basic Law lays down the general policies and system of government for Hong Kong under the "one country, two systems" formula. It guarantees Hong Kong a high degree of autonomy, enshrines the rights and freedoms of residents, and preserves a separate common law system with an independent judiciary. This introduction traces the origins of the Hong Kong Basic Law and the concepts and legal issues that surround it. Drawing on the experience of the first 15 years, it then analyses the content of the Hong Kong Basic Law, especially in relation to Hong Kong's political system, the judiciary, and human rights. Intended especially for students at all levels in law, politics, and other disciplines, this book—the only introductory guide of its kind to the subject—will also appeal to the general reader interested in Hong Kong's experience under "one country, two systems". "Danny Gittings's Introduction to the Hong Kong Basic Law makes a significant contribution to an important subject. It is expressed in reader-friendly terms. The insights that it provides are of value not only to lawyers but also to the general public." —The Hon. Mr. Justice Kemal Bokhary, Permanent Judge of the Hong Kong Court of Final Appeal (1997–2012), Non-Permanent Judge (2012–). "This well-researched and very readable introduction explains the history, practices and future of the Basic Law—Hong Kong's key constitutional document. It also explores how far the Basic Law is able to address the many political and legal issues now facing Hong Kong. The book is suitable for a wide range of readers. Students of Hong Kong law at all levels will find it essential reading. General readers with an interest in Hong Kong's governance will find in it a lucid and accurate guide—and a timely one as the debate about implementing democracy intensifies." —Professor Fu Hualing, Faculty of Law, University of Hong Kong. "Many of us approach law books with trepidation. But Gittings, a legal academic, used to be a journalist and this shows in his ability to make the book accessible to the general reader. [...] The Basic Law will continue to be central to issues facing the city for years to come. This book enables the reader to quickly acquire a much better understanding of them." — South China Morning Post "As Professor Gittings points out in his book, which includes a chapter on what might happen after Hong Kong's 50-year autonomy ends, readability was a key aim. Acronyms are kept to a minimum and details set up neatly and comprehensively in footnotes so that the main text is kept as clean as possible." — Hong Kong Lawyer

Critique of Hong Kong Nativism

This book focuses on the separatist trend in Hong Kong, which it approaches by drawing on historical studies, political analysis, social studies and legal analysis. It offers a comprehensive and interdisciplinary guide to the topic, addressing the historical evolution of "Hong Kong Nativism," the theoretical connotations and fallacies of "Hong Kong Independence," and the legal measures taken to forestall it. Written by mainland scholars who approach the subject matter from a legal perspective, the book offers revealing insights for all students and researchers who are interested in Hong Kong Basic Law and the current political situation in Hong Kong.

Hong Kong's Constitutional Debate

This book explores legal and constitutional issues in Hong Kong's relationship with mainland China through an analysis of the litigation on the right of abode of the children of Hong Kong residents who are born and live in the mainland. The litigation in the Hong Kong courts and the subsequent interpretation by the Standing Committee of the National People's Congress were followed with keen interest both locally and internationally, and had provoked great controversy. The differing approaches to and styles of interpretation of the Court and the Standing Committee provide a vivid demonstration of the clash of legal systems within which Hong Kong's constitutional system has to operate. These issues are discussed in this book by Hong Kong's leading legal scholars and practitioners. This book offers perspectives to solve these controversies and to develop an acceptable approach to the interpretation of the Basic Law. It captures the sustained public debate on constitutional issues and provides a historical record of this constitutional debate. It also contains the full texts of the decision of the Court and the Interpretation by the Standing Committee.

European Yearbook of Constitutional Law 2020

The European Yearbook of Constitutional Law (EYCL) is an annual publication devoted to the study of constitutional law. It aims to provide a forum for in-depth analysis and discussion of new developments in the field, both in Europe and beyond. This second volume examines the constitutional positioning of cities across space and time. Unrelenting urbanisation means that most people are, or soon will be, living in cities and that city administrations become, in many respects, their quintessential governing units. Cities are places where State power is operationalised and concretised; where laws and government policies transform from parchment objectives to practical realities. In a similar vein, cities are also places for the realisation of the constitutional rights and liberties enjoyed by individuals. The book is organised around three sets of relations that await further unpacking in theory as well as practice: that between cities and other institutions in the national constitutional architecture; that between cities and their inhabitants; and that between cities and international organisations. The contributions to this book show the marked diversity in the role and powers available to cities in Europe and beyond, and identify principles and approaches to help stipulate new ways of thinking about the legal role and relevance of cities going forward. Ernst Hirsch Ballin is distinguished university professor at Tilburg University and vice-dean for research of Tilburg Law School. Gerhard van der Schyff is associate professor at Tilburg Law School, Department of Public Law and Governance. Maarten Stremmer is lecturer at Maastricht University, Faculty of Law, Department of Public Law. Maartje De Visser is associate professor at SMU School of Law, Singapore.

Sub-State Governance through Territorial Autonomy

This study focuses on territorial autonomy, which is often used in different conflict-resolution and minority situations. Four typical elements are identified on the basis of the historical example of the Memel Territory and the so-called Memel case of the PCIJ; distribution of powers, participation through elections and referendums, executive power of territorial autonomy, and international relations. These elements are used for a comparative analysis of the constitutional law that regulates the position of six currently existing special jurisdictions, the Åland Islands in Finland, Scotland in the United Kingdom, Puerto Rico in the United States of America, Hong Kong in China, Aceh in Indonesia and Zanzibar in Tanzania. The current sub-state entities examined can be arranged in relation to Memel in a manner that indicates that Hong Kong and the Åland conform to the typical territorial autonomy, while Puerto Rico and Aceh should probably not be understood as territorial autonomies proper. At the same time, the territorial autonomies can be distinguished from federally organized sub-state entities.

Asian Courts in Context

Analyzes courts in fourteen selected Asian jurisdictions to provide the most up-to-date and comprehensive interdisciplinary book available.

Comparative Constitutional History

While comparative constitutional law is a well-established field, less attention has been paid so far to the comparative dimension of constitutional history. The present volume aims to address this shortcoming by bringing focus to comparative constitutional history.

Lost in China?

Since 1997, the walls of law around Hong Kong have come under attack. This book examines the strategies of resistance.

Hybrid Constitutionalism

Examines the political dynamics of constitutional review in hybrid regimes in the context of China's Special Administrative Regions.

Chinese (Taiwan) Yearbook of International Law and Affairs, Volume 31 (2013)

The Chinese (Taiwan) Yearbook of International Law and Affairs includes articles and international law materials relating to the Asia-Pacific and Taiwan.

Hong Kong's Court of Final Appeal

In the years since it was established on 1 July 1997, Hong Kong's Court of Final Appeal has developed a distinctive body of new law and doctrine with the help of eminent foreign common law judges. Under the leadership of Chief Justice Andrew Li, it has also remained independent under Chinese sovereignty and become a model for other Asian final courts working to maintain the rule of law, judicial independence and professionalism in challenging political environments. In this book, leading practitioners, jurists and academics examine the Court's history, operation and jurisprudence, and provide a comparative analysis with European courts and China's other autonomous final court in Macau. It also makes use of extensive empirical data compiled from the jurisprudence to illuminate the Court's decision-making processes and identify the relative impacts of the foreign and local judges.

Regulating Information Asymmetry in the Residential Real Estate Market

This book conducts a detailed examination of the current form of the Hong Kong residential property regulatory system: the 2013 Residential Properties (Firsthand Sales) Ordinance (Cap 621). The author sheds light on how the new legislation promotes a number of values including information symmetry, consumer protection, the free market and business efficacy. It provides a detailed account of how the regulatory mechanism has evolved over the past three decades to catch unconscionable sales tactics (such as selective information and/or misrepresentation of location, size, completion date and past transactions) and monitor sales practices in order to protect the interests of stakeholders in this ever-changing first-hand residential property market. This book breaks down this complicated subject matter by focusing a number of chapters each on a specific attribute of the residential property on sale. It then examines the various channels through which the information is communicated to the prospective buyer and discusses misrepresentation of the key information in sales of residential properties as criminal liability. The tension between consumer's rights on one hand and the pursuit of free market principles on the other is but one example of the conflicting values thoroughly discussed in the book, others include superstition vs. modernization and clarity vs. flexibility. Aimed at those with an interest in consumer protection and transparency-orientated legislation in commercialized real estate transactions, this book seeks to provide an in-depth discussion of the latest trends and directions of travel.

Constitutionalism in Asia in the Early Twenty-First Century

A systematic and up-to-date account of constitutional developments in sixteen Asian countries, including analysis from a comparative perspective.

Transnational Legal Processes and Human Rights

It is becoming increasingly common for human rights norms to be transferred between legal and political systems and this book is a fresh approach to the intersection of transnational law and the protection of cultural difference beyond the single state border. It investigates how the construction and evolution of human rights norms are transferred in transnational legal settings and asks whether law should reflect, express or control any given aspect of culture. The chapters explore the ways that law and cultural identity may or may not co-exist, particularly in circumstances where a prima facie clash is observed. Examining legal approaches to cultural differences from a comparative perspective and across a wide range of locations, the book covers topics such as juvenile punishment, religious defamation, religious rights and conflict between industry and indigenous communities. It will be of value to those working in the areas of transnational and comparative law, as well as those concerned with human rights and the intersection of law and cultural difference.

Constitutional Confrontation in Hong Kong

An examination of China's accommodation of Western constitutional values, in the light of the pending return of British Hong Kong to China. The Joint Declaration which governs the return guarantees a continuance of these values, and this study looks at the resulting tensions between East and West.

Regional Approaches to the Protection of Asylum Seekers

This book presents a comprehensive assessment of regional responses to the crisis in the asylum/refugee system and critically examines how different regions tackle the problem. The chapters consider the fundamental challenges which undermine an effective asylum process as well as regional difficulties with the various circumstances surrounding asylum seekers. With contributions on Africa,

Europe, Latin America, South Asia and the Middle East, and the Pacific, the collection strives to appreciate what informs each region's approach to the asylum process and asks if there are issues common to every region and if regions can learn from one another. The book seeks an understanding of the existing legal regime for the protection of asylum seekers and how regional institutions such as human rights commissions and regional courts enforce and adjudicate the law. The volume will be valuable to those interested in international law, migration and human rights.

Legal Mobilization Under Authoritarianism

Using post-colonial Hong Kong as a case study, this book examines why and how legal mobilization arises in authoritarian regimes.

Feminist Constitutionalism

Explores the relationship between constitutional law and feminism, offering a spectrum of approaches and analysis set across a wide range of topics.

The National Security Law of Hong Kong

The Law of the People's Republic of China on Safeguarding National Security in the Hong Kong SAR (the 'NSL') promises to be the most important legal development in Hong Kong since the advent of the Basic Law. Many wondered in the aftermath of the NSL how the foundations of Hong Kong's system might be changed and in what way the freedoms valued by Hong Kong may be affected. Supporters view the law as essential for the preservation of public order and the national security of China and to support the fundamental well-being of "One Country, Two Systems", an arrangement that has been in place since the return of Hong Kong to China. Critics fear an adverse impact on the spirit of "One Country, Two Systems". From a discussion initiated by the University of Hong Kong's Faculty of Law, this collection of essays brings together leading experts on Hong Kong and Chinese law to offer an exploratory study of the NSL and its impact on the legal system and the principle of the rule of law in Hong Kong. The book examines the ramifications of the law in relation to constitutional matters, protecting national security and sustaining "One Country, Two Systems", policing, judicial independence, and extraterritoriality, as well as its wider implications in areas such as academic freedom and the business environment. It explores the interaction between Hong Kong and Chinese law occasioned by the NSL. Finally, the book offers a comparative perspective of the experience of other jurisdictions that have engaged with similar security legislation. "This collection addresses an important and timely issue, and provides an invaluable resource for all lawyers interested in Hong Kong as they grapple with the momentous changes in its legal landscape. The collection will surely serve as a reference point for further discussion and debate." —Victor V. Ramraj, University of Victoria, Canada "This book covers the most important aspects of national security issues, including freedom and security that we have always been concerned about. This timely publication not only offers the latest research results for the academic community, but also provides important reference materials for the Hong Kong society to understand the important topics of national security." —Zhu Guobin, City University of Hong Kong

The Concept of Proportionality in Public Law

Proportionality is a German, and thus continental European, concept in public law that is applied by both the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR). The principle specifies that measures adopted by executive authorities should not exceed the limits of what is appropriate and necessary in order to achieve legitimate objectives in the interest of the public. Using a functional comparative approach, this book evaluates the extent to which proportionality has been integrated into the English and Hong Kong judicial systems by comparing case law in these courts with that of the CJEU and the ECtHR. The text also reviews the development of proportionality and presents a topical understanding of why its adoption and application have encountered difficulties, particularly regarding socio-economic rights, in some jurisdictions, such as the United Kingdom and Hong Kong. Written by a scholar with experience from both within the Hong Kong judicial system and from international research, this book is the first all-encompassing reference for legal practitioners worldwide.

The Changing Legal Orders in Hong Kong and Mainland China: Essays on "One Country, Two Systems"

This collection of selected works by Professor Albert H.Y. Chen shows the contours of the author's scholarship as it developed over 35 years of his academic career, from 1984 to the present. The essays are divided into three sections which cover the three major domains of Professor Chen's research. Part I covers the legal developments and controversies of "One Country, Two Systems" since the Hong Kong interpretation on "the right of abode" in 1999 to the anti-extradition movement of 2019. Part II shifts to focus on tradition and modernity in Chinese Law, including China's Confucian and Legalist traditions and how the socialist legal system in China evolved and modernized in the era of "reform and opening". Part III examines the transplantation of Western thinking and constitutionalism to East Asia in modern times and discusses the achievements and failures of these efforts. In conjunction with an introductory chapter that sets out the basic orientation and paradigm of these legal and constitutional studies and an epilogue that reflects on the main themes, this collection exemplifies the author's important contributions to the field and provides insight into how the legal orders in Hong Kong and mainland China have changed over the course of Professor Chen's academic career.

Two Systems, Two Countries

As Hong Kong is integrated into the People's Republic of China, ever fewer people in the city identify as Chinese. *Two Systems, Two Countries* explains why. *Two Systems, Two Countries* traces the origins of Hong Kong nationalism and introduces readers to its main schools of thought: city-state theory, self-determination, independence, and returnism. The idea of Hong Kong independence, Kevin Carrico shows, is more than just a provocation testing Beijing's red lines: it represents a collective awakening to the failure of One Country Two Systems and the need to transcend obsolete orthodoxies. With a conclusion that examines Hong Kong nationalism's influence on the 2019 protest movement, *Two Systems, Two Countries* is an engaging and accessible introduction to the tumultuous shifts in Hong Kong politics and identity over the past decade.

Reforming Law Reform

As a special administrative region of China, Hong Kong has its own legal system rooted in the common law. Reforms to this system take into account Hong Kong's unique conditions as an international city and draw widely on practices around the world. Since 1980, recommendations from a Law Reform Commission, chaired by the Secretary for Justice, have resulted in comprehensive revisions in key areas of law, ranging from commercial arbitration and interception of communications to divorce and copyright. Recently, however, the government has been slow to act on the Commission's recommendations. Questions have also arisen about whether the Commission — under-resourced, part-time and government-led — can really meet the needs of an increasingly sophisticated society. Is law reform itself also in need of reform? This collection of essays by distinguished experts from around the world seeks answers to the question. The book explores the varied experience of law reform in Hong Kong and other common law jurisdictions and makes recommendations for strengthening the process of law reform both in Hong Kong and elsewhere. Michael Tilbury is Kerry Holdings Professor in Private Law in the Faculty of Law, the University of Hong Kong. Simon N. M. Young is a professor in the Faculty of Law, the University of Hong Kong and was formerly Director of the Centre for Comparative and Public Law. Ludwig Ng is a partner in ONC Lawyers, Hong Kong. "This important book should be a wake-up call to lawmakers in Hong Kong and beyond on the urgent need for effective law reform. It is especially important for Hong Kong whose competitive advantage is being harmed by institutional paralysis and official lethargy. The editors' modest recommendations deserve urgent action by Hong Kong's governors to bring up to date its archaic and outmoded legislation." —Lord Lester of Herne Hill, QC "Law reform is essential, especially in these fast-changing times. The law reform agency plays an important role in this process. This work examines the experience of the agency in Hong Kong and elsewhere and discusses how its effectiveness can be enhanced. This valuable contribution deserves to be read." —The Hon. Andrew Li, Chief Justice of Hong Kong, 1997–2010 "This is probably the first collection in Hong Kong of writings on law reform, examining clinically how law reform is, and can be processed with reference to other law reform institutions, in the pursuit of effectively meeting the often shifting needs of society and economy. Important chapters on reform of different areas of law are also included in this book. The editors and contributors are to be congratulated for masterminding such an admirable source of information and inspirational ideas." —Stephen Kai-yin Wong, Barrister, Secretary of the Law Reform Commission of Hong Kong "In this collection of essays the learned editors—Tilbury, Young and Ng—have drawn together an outstanding group of authors, representing many years of experience in law reform across the common law world. From the UK, Canada, Australia and Hong

Kong, the insights of the authors are both reflective and forward-looking, providing a rich resource towards 'reforming law reform'." —Professor Rosalind Croucher, President, Australian Law Reform Commission

Chinese (Taiwan) Yearbook of International Law and Affairs, Volume 27 (2009)

The Chinese (Taiwan) Yearbook of International Law and Affairs includes articles and international law materials relating to Asia-Pacific and the Republic of China on Taiwan.

Law and Politics of the Taiwan Sunflower and Hong Kong Umbrella Movements

Rarely do acts of civil disobedience come in such grand fashion as Taiwan's Sunflower Movement and Hong Kong's Umbrella Movement. The two protests came in regions and jurisdictions that many have underestimated as regards furthering notions of political speech, democratisation, and testing the limits of authority. This book breaks down these two movements and explores their complex legal and political significance. The collection brings together some of Asia's, and especially Taiwan and Hong Kong's, most prolific writers, many of whom are internationally recognised experts in their respective fields, to address the legal and political significance of both movements, including the complex questions they posed as regards democracy, rule of law, authority, and freedom of speech. Given that occupational type protests have become a prominent method for protesters to make their cases to both citizens and governments, exploring the legalities of these significant protests and establishing best practices will be important to future movements, wherever they may transpire. With this in mind, the book does not stop at implications for Taiwan and Hong Kong, but talks about its subject matter from a comparative, international perspective.

The Interpretation of the Hong Kong Basic Law

The chapters in this book explore the impact of recent shifts in global and regional power and the subsequent development and enforcement of international refugee protection standards in the Asia Pacific region. Drawing on their expertise across a number of jurisdictions, the contributors assess the challenges confronting the implementation of international law in the region, as well as new opportunities for extending protection norms into national and regional dialogues. The case studies span key jurisdictions across the region and include a comparative analysis with China, Indonesia, Thailand, Myanmar, Malaysia, Bangladesh and Australia. This topical and important book raises critical questions for the Asia Pacific region and sheds light on the challenges confronting the protection of refugees and displaced persons in this area. Interdisciplinary in its approach, it will be of interest to academics, researchers, students and policy-makers concerned with the rights and protection of refugees.

Protection of Refugees and Displaced Persons in the Asia Pacific Region

In December 2008 some 350 Chinese intellectuals published a manifesto calling for reform of the Chinese constitution and an end to one-party rule. Known as "Charter 08," the manifesto has since been signed by more than 10,000 people. One of its authors, Liu Xiaobo, was awarded the Nobel Peace Prize in 2010 but has remained in prison since 2009 for subversive crimes. This collection of essays—the first of its kind in English—examines the trial of Liu Xiaobo, the significance and impact of Charter 08, and the prospects for reform in China. The essays include contributions from legal and political experts from around the world, an account of Liu's trial by his defence lawyers, and a passionate—and ultimately optimistic—account of resistance, repression and political change by the human rights lawyer Teng Biao.

Liu Xiaobo, Charter 08 and the Challenges of Political Reform in China

The Handbook of Constitutional Law in Greater China surveys important issues of constitutional law in Mainland China, Hong Kong, Macau, and Taiwan. It synthesizes existing scholarship, debates, and views on important constitutional issues in the four jurisdictions. Written by a range of scholars, it contributes to both national and comparative scholarship on constitutional law in these jurisdictions. The book includes four parts: Part I: History. This part explores the constitutional movement of the Qing dynasty; constitutional projects in modern China; and aspects of the drafting and implementation history of the Hong Kong and Macau Basic Laws Part II: Structure. This part discusses the relationship between the party-state and the Chinese constitutional order; Chinese constitutionalism; constitutional

aspects of city development under the SAR concept; constitutional review in Mainland China; a history of Taiwan's 'Council of Grand Justices'; and judicial review in both Hong Kong and Macau Part III: Rights, Society, and Economy. This part deals with Hong Kong's National Security Law and its impact on the 'one country, two systems model'; social movements and constitutionalism; LGBT rights advocacy; the integration of capitalist regions within socialist China; the constitutional relevance of labour reforms in Mainland China; healthcare rights in both the Mainland and the SARs; and foreign investment under Art. 18 of the PRC Constitution Part IV: Transnational Engagement. This part surveys comparative writings on China's constitution; the influence of international human rights treaties on China's constitutional order; the international dimension of Hong Kong's constitutional order; and the changing role of the 'overseas judges' in Hong Kong Exploring both historical and cutting-edge constitutional issues, this reference book is important reading for law researchers, lawyers, graduate students, undergraduates, and practitioners in the field of constitutional law and politics in Mainland China, Taiwan, Hong Kong, and Macau.

Routledge Handbook of Constitutional Law in Greater China

"This is the first systematic analysis of the constitutional, legal, economic, social and political systems of Hong Kong as a special administrative region of China. It examines the Basic Law against its historical and socio-economic contexts, including its international and domestic foundations, and the loss and the resumption of sovereignty by China. The author offers a conceptualization of the Basic Law and locates it within China's constitutional, political and legal systems. The book explores the balance as well as the tensions between the autonomy of Hong Kong and the sovereignty of China, which are aggravated by the necessity to accommodate contrasting economic and political systems. It also identifies key legal and political problems that are likely to arise in implementing the Basic Law and suggests an approach to its interpretation." "The Basic Law provides a fascinating example of the interaction of widely different traditions of law, politics and economy, and a novel system of autonomy. Its study is therefore of great interest to scholars of comparative law and politics."--BOOK JACKET.Title Summary field provided by Blackwell North America, Inc. All Rights Reserved

Hong Kong's New Constitutional Order

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The Interpretation of the Hong Kong Basic Law

This edited volume examines the link between constitutional asymmetry and multinationalism in multi-tiered systems through a comprehensive and rigorous comparative analysis, covering countries in Europe, Africa and Asia. Constitutional asymmetry means that the component units of a federation do not have equal relationships with each other and with the federal authority. In traditional federal theories, this is considered an anomaly. The degree of symmetry and asymmetry is seen as an indicator of the degree of harmony or conflict within each system. Therefore symmetrisation processes tend to be encouraged to secure the stability of the political system. However, scholars have linked asymmetry with multinational federalism, presenting federalism and asymmetry as forms of ethnical conflict management. This book offers insights into the different types of constitutional asymmetry, the factors that stimulate symmetrisation and asymmetrisation processes, and the ways in which constitutional asymmetry is linked with multinationalism.

Constitutional Asymmetry in Multinational Federalism

All legal systems are mixed: some more than others. There are covert mixtures and overt mixtures; stable mixtures and mixtures in transition. This book brings together a wide range of legal orders, some well known, some not so often studied. The analysis offered is far beyond a descriptive one, the general aim being to provide a basis for discussion by covering paths, methods and specific techniques, consequences and implications of legal migration. The newly emerging democracies of Eastern Europe, for example, are looking at the pool of models when re-designing their systems. Such

systems in transition open up a whole new world of possibilities for research. The two final chapters on spectral jurisprudence and the conceptual search bring into focus and widen the analysis further.

The Hong Kong Basic Law

The Basic Law of the HKSAR