

Report of the Special Committee on Constitutional Affairs and Human Rights 2014

Members of the Special Committee on Constitutional Affairs and Human Rights have assisted in last 12 months in the drafting of the following press releases, submissions and position papers of the Bar Association:

- Submissions of the Hong Kong Bar Association to the UN Committee on the Elimination of Discrimination Against Women;
- Unified Screening Mechanism for Non-refoulement Claims;
- Hong Kong Bar Association's Submission to the United Nations Committee on Economic, Social and Cultural Rights to assist its consideration of the Third Periodic Report (E/C. 12/CHN-HKG/3) at its 52nd Session on 28th April to 23rd May 2014 in Geneva;
- Hong Kong's Implementation of Certain Concluding Observations of the United Nations Human Rights Committee (April 2013) - Follow-up Report of the Hong Kong Bar Association;
- Submission of the Hong Kong Bar Association - Consultation Document on Methods for Selecting the Chief Executive in 2017 and for Forming the Legislative Council in 2016 (with Appendix);
- Unified Screening Mechanism of Non-refoulement Claims – Joint letter from Hong Kong Bar Association and Law Society of Hong Kong dated 2nd May 2014 to the Security Bureau;
- Marriage (Amendment) Bill 2014;
- Persons Detained in Castle Peak Bay Immigration Centre Who may have Non-refoulement Claims;
- White Paper on the Practice of “One Country, Two Systems” Policy in the Hong Kong Special Administrative Region;
- Consultation Document on Methods for Selecting the Chief Executive in 2017 and for Forming the Legislative Council in 2016;
- Prohibition of Advertisement of Sex Selection through Reproductive Technology Procedures;
- Disqualification of Candidates with Unserved Prison Sentences and other Related Matters;
- Statement of the Hong Kong Bar Association on the Use of Force by the Hong Kong Police at Harcourt Road on 28 September 2014;
- Statement of the Hong Kong Bar Association on the Rule of Law and Civil Disobedience; and
- Statement of Hong Kong Bar Association in respect of “Mass Defiance of Court Orders”.

The list above shows several themes of the Special Committee's work. They include assisting the Bar Council in responding to important public events in Hong Kong or concerning Hong Kong from the legal perspective, assisting the Bar Council in making submissions responding to consultations on matters with a constitutional law and/or human rights dimension, monitoring for the Bar Association as a stakeholder of the unified screening mechanism for the assessment of non-refoulement claims, and assisting the Bar Council in making reports to the United Nations treaty bodies on the compliance of international human rights guarantees in Hong Kong.

Additionally, from time to time, the Special Committee handles invitations and queries from organizations in Hong Kong and abroad for information and comments on public law and human rights matters. The Special Committee also sends a member to represent the Bar Association in the Administration's Human Rights Forum.

The past year has been a demanding one on members of the Special Committee. Many of the items of work had to be finished for public release both within a rather short time frame and following decisive balancing and judgment. The Chairman takes this opportunity to thank all members for their contributions. Special mention goes to Earl Deng, who accepted the invitation of the Bar Association to go in May 2014 from London (where he was placed at the time) to Geneva to attend the hearing of the United Nations Committee on Economic, Social and Cultural Rights discussing the periodic report of the HKSAR.

List of members:

P Y Lo (Chairman)
Raymond Leung SC
Lin Feng
Newman Lam
Kirsteen Lau
Jocelyn Leung
Tim Parker
Jeffrey Tam
Ken Lee
Bonnie Cheng
Carter Chim
Ernest C.Y. Ng

P .Y. Lo
Chairman
Special Committee on Constitutional Affairs & Human Rights

28 November 2014