



and human rights. Some judgments also triggered subsequent amendments to the relevant legislations, forming a circle of interaction between common law and legislation, thus enriching Hong Kong's legal system. A typical example is the case of *Leung Kwok Hung & Others v Chief Executive of the HKSAR* (HCAL 107/2005). In February 2006, the Court of First Instance ruled that with regard to interception of telecommunications, section 33 of the Telecommunications Ordinance, which authorised the interception, detention or disclosure of any message or any class of messages, was unconstitutional. The court also ruled that the Executive Order did not constitute a set of "legal procedures" for the purposes of Article 30. Subsequent to the court ruling, the Interception of Communications and Surveillance Ordinance was enacted in August 2006, providing a legal basis for and regulating the conduct of interception of communications and the use of surveillance devices by law enforcement agencies. It also provides for procedural safeguards to protect the right of privacy. Apart from a few exceptions, all interception and the more intrusive type of covert surveillance must be authorised by one panel judge. The law enforcement agencies are also required to conduct internal reviews while independent oversight is provided by the newly created Commissioner on Interception of Communications and Surveillance. The Ordinance has struck a fair balance between the maintenance of law and order and the protection of privacy.

Hong Kong's way of life

Article 5 guarantees the continuity of the previous way of life in Hong Kong. This guarantee is fully detailed in Chapter III, dealing with the fundamental rights and duties of Hong Kong residents and Chapter VI dealing with education, science, culture, sports, religion, labour and social services.

On 23 August 2010, eight Hong Kong citizens were killed and seven injured when a gunman took them hostage in their tour bus in Manila. A candlelight vigil, attended by thousands of deeply grieved Hong Kong citizens, was held at Chater Garden in Central on 27 August 2010.



Fundamental Rights and Duties of Hong Kong Residents

Safeguarding the Rights and Freedoms of Hong Kong Residents

Article 4 provides that Hong Kong shall safeguard the rights and freedoms of residents of Hong Kong and of other persons in Hong Kong in accordance with the law. Chapter III of the Basic Law specifically safeguards various fundamental rights and freedoms of residents in Hong Kong, including freedom of the person; freedom of movement; freedom of conscience and religious belief; equality before the law; freedom of speech and of the press; freedom of association, assembly, procession and demonstration; freedom and privacy of communication; freedom in the choice of occupation and to engage in academic research; the right of access to the courts and judicial remedies; the right to social welfare in accordance with law; and freedom of marriage.

Freedom of the Person	Freedom of the Person is a prerequisite to ensure residents can engage in public and political activities and enjoy all other rights and freedoms. The Basic Law provides that such freedom is inviolable. In particular, it prohibits arbitrary or unlawful arrest, detention or imprisonment; arbitrary or unlawful search of the body or deprivation or restriction of freedom; torture or deprivation of life; and arbitrary or unlawful search of home or premises. It also provides the basis for the right to a fair trial, justice without delay, presumption of innocence and freedom and privacy of communication.
Political Freedom	Article 26 provides for the right of permanent residents to vote and stand for election. Permanent residents may stand for election for the post of Chief Executive, for the Legislative Council or for the District Council in accordance with the law. Residents who have attained the age of 18 may also enjoy the right to vote in the elections of the Legislative Council and the District Council. Article 27 and relevant ordinances protect political freedoms such as freedom of speech, of the press and of publication; freedom of association, of assembly, of procession and of demonstration; and the right and freedom to form and join trade unions, and to strike.
Property	Article 105 protects the right of individuals and legal persons to the acquisition, use, disposal and to inheritance of property and their right to compensation for lawful deprivation of their property. It also offers protection to ownership of enterprises and investments from outside the HKSAR.
Religion	Hong Kong residents have the freedom of religious belief and freedom to preach, to conduct and to participate in religious activities. Religious organisations may acquire, use, dispose of and inherit property; receive financial assistance; run seminaries and other schools, hospitals and welfare institutions; or provide other social services. The organisations or believers may maintain or develop their relations with religious organisations or believers elsewhere. The Government cannot restrict these freedoms or interfere in the internal affairs of religious organisations unless their actions contravene the laws of the HKSAR.
Academic Freedom	Hong Kong residents have the freedom to engage in academic research, literary and artistic creation, and other cultural activities. Students in Hong Kong also continue to have their right to receive education, to enjoy freedom of choice of educational institutions and freedom to receive education overseas.
Social Welfare	The right to social welfare is of vital importance to the poor and the needy. The Social Welfare Department is responsible for carrying out the social security and social welfare policies of the Government. Other voluntary organisations may provide social services in accordance with the law. Article 36 also protects the welfare benefits and retirement security of the labour force. Under relevant provisions of the Labour Ordinance, workers in Hong Kong are able to work safely with their lawful rights and interests protected. The Labour Department specifically offers assistance to workers and promotes workplace safety.
Other Rights and Freedoms	Other rights and freedoms of Hong Kong residents include freedom of choice of occupation, freedom of movement and freedom of marriage and the right to raise a family freely, as well as other extensive rights and freedoms safeguarded under the laws of Hong Kong. Persons in Hong Kong other than Hong Kong residents may also enjoy rights and freedoms stipulated in Chapter III of the Basic Law.



The Mainland Hong Kong Families Rights Association protests. ★



The Hong Kong Confederation of Trade Unions organises the May Day march and gatherings to air their requests. ★



Worshippers pay respects at Wong Tai Sin Temple. ★



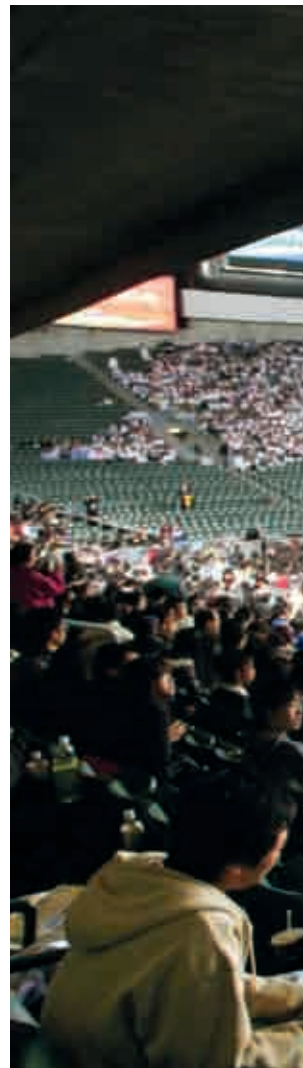
A Buddha bathing ceremony hosted by the Hong Kong Buddhist Association ★



The Hong Kong Buddhist Association holds a giant Buddhist ceremony. ★



A Buddha bathing ceremony at Po Lin Monastery. ★





Eucharistic celebration for the Most Reverend John Tong Hon. ★



Kowloon Masjid and Islamic Centre. ★

The Hong Kong Franklin Graham Festival. (Photograph by Siu Chi Wang.)





Secretary for Labour and Welfare, Mr Matthew Cheung (centre), interacting with elderly people learning the craft of beads at Lee See Ping Home for the Elderly of the TWGHs in Chai Wan. ©



About 2,000 volunteers carrying "fortune bags" and lucky spring messages to be distributed to elderly tenants take group photo with the Chairman of the Housing Authority, Ms Eva Cheng (centre, front), before setting off on Volunteer for Seniors Day 2011. ©





Secretary for Transport and Housing, Ms Eva Cheng, and the Chairman of the Elderly Commission, Dr Leung Che-hung (left), pay a visit to a senior tenant in Un Chau Estate and extend their warmest regards by handing a "fortune bag" to her. ©

