

# **Hong Kong Basic Law Bibliography**

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## FOREWORD

Professor Simon Young is to be congratulated on producing a bibliography on the Basic Laws of the Special Administrative Regions of Hong Kong and Macau. The Basic Laws cover numerous aspects of the public and private domains of these Regions, much more than one expects to find in a constitution (for reasons connected with the preservation of ‘previous systems’, particularly the imperatives of a market economy and the vitality of civil society). The result is that knowledge of the Basic Law is critical for understanding not only the political but also the economic and social systems of the Regions.

The second aspect of the Basic Laws is the relationship of the Regions with China. In order to understand this it is necessary to examine the place of the Basic Laws in the larger constitutional system of China. But knowledge of the principles and limitations of the Chinese Constitution is also required for this understanding, and for this the reader will have to turn to other guides to sources and literature. However, the Basic Laws provide interesting angles on the PRC constitutional system, and scholars of the PRC constitution and politics will find this bibliography a good start for their research.

The Basic Laws and the system of autonomy that they establish are relevant beyond our own local concerns. Deng Xiaoping used to talk of the potential of autonomy to solve many of the world’s problems. In this he was undoubtedly correct. But whether the autonomy systems in the PRC Constitution have that capacity may be questioned. The Mainland nationality autonomy has been used more for the co-option of minorities than for their self-government, and consequently comparativists have shown little interest in it. But Hong Kong’s Basic Law, built on the concept of ‘one country two systems’, has attracted much attention abroad as a possible model for solving political problems internal to a state. Perhaps interest in the Hong Kong model overseas has declined (as the entries in the bibliography demonstrate), as the true nature of the limited autonomy under the Basic Law has been exposed, and also because of its rejection by the Taiwanese

Government and the refusal of Beijing to apply Article 31 of the PRC Constitution (the foundation of Hong Kong and Macau Basic Laws) to Tibet. Nevertheless there is much in the Basic Laws to interest those engaged in comparative constitutional and autonomy studies.

Scholars and policy makers engaged on complex issues that are dealt with in the Basic Laws will find the bibliography of considerable value, as will research students. Inevitably such a bibliography cannot be fully comprehensive (even without the additional difficulty that there are three languages in which the themes and practices of the Basic Laws have been explored). But the bibliography will take the researcher a fair part of the path down the explorations of the Basic Laws.

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*March 2006*

## PREFACE

Promulgated on 4 April 1990, The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China came into effect on 1 July 1997. Time has passed quickly, and already the first decade of the Hong Kong Special Administrative Region looms. In the 20 years since the signing of the 1984 Sino-British Joint Declaration on the Question of Hong Kong a significant amount of local and international literature has been written on Hong Kong's unique constitution.

The Hong Kong Basic Law Bibliography is the first full-length bibliography to take stock of this large body of secondary literature. It captures not only the sources found from the leading electronic databases and search engines but also those items found in Hong Kong's public and university libraries. An incomplete selection of Chinese language sources is also included.

Hong Kong's Basic Law has been a subject of articles published in some of the leading international law journals. American and English law journals figure almost exclusively, while surprisingly very little can be found in the Canadian and Australian law journals. As one might expect, the Hong Kong Law Journal is the international journal of choice for such writing (and thus it is appropriate that the Hong Kong Law Journal Limited be the publisher of this bibliography).

The volume of literature has fluctuated over the years. While the years leading up to the promulgation attracted a notable amount of literature, it is still the case that the greatest amount of literature in any single year is in 1997, the year of the handover. The constitutional crisis concerning the right of abode in 1999 also attracted a fair amount of commentary from around the world. Less attention, however, was paid to the 2003 controversy concerning Article 23 and national security laws, and more recently to the controversies concerning constitutional and political development. In respect of the latter, it may be that due to the fluidity of the issues it is still premature for a final count.

At the time of the handover a substantial portion of the literature came from international researchers looking at Hong Kong from outside. Since the handover and the first constitutional crisis, these types of authors have been on the decrease. In recent years, literature on the Basic Law has predominantly come from insiders publishing both locally and internationally. I suppose this trend is not surprising. Except where there have been events of global proportions such as SARS and the WTO, the international attention on Hong Kong has gradually waned since the unprecedented resumption of sovereignty in 1997. Nevertheless, in this time, some of the most distinguished legal jurists, including James Crawford, Owen Fiss, Christopher Forsyth, Lord Cooke of Thorndon and Lord Irvine of Lairg, have turned their minds to the legal significance of Hong Kong's Basic Law. But it remains the case that a core group of Hong Kong scholars has been responsible for the vast amount of Basic Law literature. It is positive that a number of younger researchers from both Hong Kong and abroad now form part of this core group.

What does the next decade hold for scholarship on Hong Kong's Basic Law? No doubt much of the writing will follow the constitutional events and controversies of the day. One hopes to see more in-depth comparative studies of Hong Kong and other autonomous systems. Enough time has and will have passed for there to be sufficient actual experience to compare and contrast. More empirical work will naturally follow this trend, leading to a more systematic and analytical understanding of the experience and context of the Basic Law. One also hopes to see greater collaborative work between mainland and Hong Kong scholars and between mainland and overseas scholars. It is through genuine collaborations of this kind that a harmonious understanding of the two systems can be achieved.

Whatever may be written and published in the coming years, this bibliography serves as a useful record of what has been published from the beginning. It does not purport to be a complete record and any suggestions for improvement would be most welcome. The electronic version of this bibliography will be made available for viewing and

searching on the Centre for Comparative and Public Law website  
([www.hku.hk/ccpl](http://www.hku.hk/ccpl)).

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April 2006

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## **Note on Use**

A library call number has been provided at the end of all non-periodical items to assist researchers. These call numbers refer to items in the University of Hong Kong libraries except those with a special notation which indicates a location in one of the following libraries:

<b>BL</b>	Basic Law Library, City Hall, Hong Kong
<b>R</b>	Hong Kong Public Libraries Collections
<b>LC Paper</b>	Legislative Council Library (and website), Hong Kong
<b>CityU</b>	City University of Hong Kong
<b>CU</b>	Chinese University of Hong Kong
<b>BU</b>	Hong Kong Baptist University.

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**PART I**  
**GENERAL**

## 1. GENERAL WORKS

### 1. GENERAL WORKS

#### 1.1. Books

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**PART IV**  
**RIGHTS AND SOCIAL POLICIES**

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**PART V**  
**INTERNATIONAL ASPECTS**

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**PART VI**  
**MISCELLANEOUS**



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