

Maude N'Diaye

Legal Reactions to the Occupy Movement and their Impact on Hong Kong's Autonomy

Master's Thesis

YOUR KNOWLEDGE HAS VALUE



- We will publish your bachelor's and master's thesis, essays and papers
- Your own eBook and book - sold worldwide in all relevant shops
- Earn money with each sale

Upload your text at www.GRIN.com
and publish for free



Bibliographic information published by the German National Library:

The German National Library lists this publication in the National Bibliography; detailed bibliographic data are available on the Internet at <http://dnb.dnb.de> .

This book is copyright material and must not be copied, reproduced, transferred, distributed, leased, licensed or publicly performed or used in any way except as specifically permitted in writing by the publishers, as allowed under the terms and conditions under which it was purchased or as strictly permitted by applicable copyright law. Any unauthorized distribution or use of this text may be a direct infringement of the author s and publisher s rights and those responsible may be liable in law accordingly.

Imprint:

Copyright © 2018 GRIN Verlag
ISBN: 9783346100597

This book at GRIN:

<https://www.grin.com/document/511859>

Maude N'Diaye

Legal Reactions to the Occupy Movement and their Impact on Hong Kong's Autonomy

GRIN - Your knowledge has value

Since its foundation in 1998, GRIN has specialized in publishing academic texts by students, college teachers and other academics as e-book and printed book. The website www.grin.com is an ideal platform for presenting term papers, final papers, scientific essays, dissertations and specialist books.

Visit us on the internet:

<http://www.grin.com/>

<http://www.facebook.com/grincom>

http://www.twitter.com/grin_com

Legal Reactions to the Occupy Movement and their Impact on Hong Kong's Autonomy

Masterarbeit im Fach China-Studien
(Ein-Fach Master)

Eingereicht von: Maude N'Diaye

Datum: 23.05.2018

Table of Contents

Introduction	1
I. A Brief History of Hong Kong.....	4
1. Hong Kong as a British colony	4
2. Hong Kong after 1997.....	7
II. Hong Kong Autonomy as HKSAR	10
1. Different definitions of autonomy.....	10
2. The Sino-British Joint Declaration and the Basic Law	13
3. “One Country, Two Systems”	15
a) The Common Law legal system.....	17
b) China’s socialist civil law system	18
c) A complex fusion	19
III. The Occupy Central Movement	21
1. Origins and social context	21
2. Methods and Objectives	23
3. Resolution and results	24
IV. The Legal Reactions to the Occupy Movement	26
1. The case for unlawful assembly	26
a) Context and charges	26
b) Trial and sentence.....	28
c) Legal consequences of the case.....	33
2. The oath-taking case.....	36
a) Context and charges	36
b) Trial and sentence.....	38
c) The NPCSC’s Interpretation and its legal consequences	43

3. New laws and legislation projects	47
a) Article 23	47
b) Modification of the Legislative Council's House Ruling	49
c) National anthem and Joint checkpoint	50
V. The Impact on Hong Kong's Autonomy	54
1. The Rule of Law, "One Country, Two Systems" and the independence of the judiciary	54
a) The impact on the Rule of Law	55
b) "One Country, Two Systems" and the case for oath-taking	57
c) The impact on Hong Kong's independent judiciary and legislative	60
2. The legal reactions to the Occupy Central movement and their impact on Hong Kong's autonomy	62
Conclusion.....	66
Bibliography.....	70
Primary Sources	70
Secondary Sources	73

List of Abbreviations

CA	Court of Appeal
CE	Chief Executive
CFA	Court of Final Appeal
CFI	Court of First Instance
ERL	Express Rail Link
HKFS	Hong Kong Federation of Students
HKSAR	Hong Kong Special Administrative Region
ICCPR	International Covenant on Civil and Political Rights
LegCo	Legislative Council
NPC	National People's Congress
NPCSC	Standing Committee of the National People's Congress
OCLP	Occupy Central with Love and Peace
OCTS	One Country, Two Systems
PRC	People's Republic of China
SAR	Special Administrative Region
SBJD	Sino-British Joint Declaration