Abstract

This study aims to conduct a qualitative research on Hong Kong people’s understanding of the Basic Law in Hong Kong, in light of the instances where interpretation has been made by National People’s Congress Standing Committee in the last decade. The focus is on people from a non-law background - their understanding of interpretation of the Basic Law and the differences between Hong Kong court’s interpretation and the National People’s Congress Standing Committee interpretation. This study concludes with practical suggestions provided for the improvement on Hong Kong people’s understanding and further study on this topic.

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**Introduction**

Interpretation of the Basic Law has long been a controversial issue in Hong Kong since the handover in 1997. The Basic Law is the so-called mini-constitution in Hong Kong. As Hong Kong as a special administrative region, this mini-constitution is in a somewhat unique position.

In most countries with a constitution, the highest court in the jurisdiction will have the final say of interpretation of the provisions, usually when cases arise and are heard before the highest court. The legislative branch will have the power to amend the constitution.

The situation is unique in Hong Kong. According to Article 158 of the Basic Law, “The power of interpretation of this Law shall be vested in the Standing Committee of the National People's Congress.” This means that the NPCSC has the ultimate power in interpreting the Basic Law. Yet, the same section states that “The Standing Committee of the National People's Congress (“NPCSC”) shall authorize the courts of the Hong Kong Special Administrative Region to interpret on their own, in adjudicating cases, the provisions of this Law which are within the limits of the autonomy of the Region.” This means that the NPCSC delegates its power to the Hong Kong court to interpret Basic Law in general situation, when cases concerning the Basic Law are fought in Hong Kong court.

The same section\(^2\) then also states that, “The courts of the Hong Kong Special Administrative Region may also interpret other provisions of this Law in adjudicating cases. However, if the courts of the Region, in adjudicating cases, need to interpret the

\(^2\) Article 158 of the Hong Kong Basic Law
provisions of this Law concerning affairs which are the responsibility of the Central
People's Government, or concerning the relationship between the Central Authorities
and the Region, and if such interpretation will affect the judgments on the cases, the
courts of the Region shall, before making their final judgments which are not
appealable, seek an interpretation of the relevant provisions from the Standing
Committee of the National People's Congress through the Court of Final Appeal of the
Region. When the Standing Committee makes an interpretation of the provisions
concerned, the courts of the Region, in applying those provisions, shall follow the
interpretation of the Standing Committee. However, judgments previously rendered
shall not be affected.”

This paragraph is where the controversies on interpretation of the Basic Law mainly
lie. There are many aspects to these controversies. We are here to name a few, among
others. The follows is a summary of the major controversies.

1. What exactly are “provisions of this Law concerning affairs which are the
responsibility of the Central People's Government, or concerning the relationship
between the Central Authorities and the Region” are never clear.

The Court of Final Appeal in Hong Kong has tried to define the issues but it only
limited its definitions to the cases in adjudication. For instance, the Court of Final
Appeal in the 1999 Ng Ka Ling³ case, held that the issue was unrelated to the
relation between Hong Kong and the Central Government thus, an interpretation
should not be sought. Yet, the government, after the judgment by the CFA, sought
an interpretation from the NPCSC on its own initiative.

³ Ng Ka Ling v Director of Immigration [FACV000014/1998]
The questions remain unsolved are what relationship should exist before an interpretation by the NPCSC can be sought, and who or which body should decide that a case or a scenario fall under such situation.

2. Article 158\(^4\) only states that the Final Court of Appeal can seek an interpretation from the NPCSC under certain circumstances. Yet, in *Ng Ka Ling*, it was the government which sought the interpretation from the NPCSC directly.

Originally after the CFA judgment, all children with the status of *Ng Ka Ling* should enjoy the status of being a Hong Kong Permanent Resident automatically. However, as the NPCSC gave an interpretation after the government sought for it, only the litigants in *Ng Ka Ling* enjoy the benefit of the judgment. All others do not. This has been criticised heavily as an interference with the judicial independence in Hong Kong, due to the government, the administrative branch encroaching on the judicial branch. In effect, a court seeking an interpretation from NPCSC may reverse the CFA judgment given. The questions are whether the Basic Law originally allowed the Government to seek interpretation and whether government was acting within its power. There were one major occasion that the NPCSC initiated an interpretation on its own, i.e. disallowing universal suffrage in Hong Kong in 2007 and 2008. This may mean that the NPCSC can initiate interpretations on its own, whenever they wish on whatever provisions. Its power seems to be unbound.

3. Interpretation by itself may not be bad. What worries Hong Kong, particularly the legal profession is that the NPCSC’s basis of interpretation is unclear. Sometimes,

\(^4\) Article 158 of the Hong Kong Basic Law
it appears to be amending the provisions instead of re-interpreting it. It can be said that the NPCSC is a legislative body. Also, the NPCSC is always said to have a political agenda. In Hong Kong courts, judges are bound by stringent rules and principles when interpreting law, including the Basic Law in cases. The current interpretation mechanism, with the previous occasions of interpretation of the Basic Law by the NPCSC indicates that such mechanism is putting a political body above the judiciary body in Hong Kong. This imply a there could be a serious interference with the judicial independence in Hong Kong. In many occasions when the government attempts to seek interpretation from the NPCSC or when political parties are pushing for it, there are often public opinion polls on whether the general public support such action.

If one is expected to give an opinion, one should be sufficiently well-informed so that one can form an opinion. We are deeply concerned that the general public may not have sufficient basis to answer such questions, especially when interpretation is a controversial and complicated process. As a result, we initiate this project to investigate how much average people know about this issue.

The situation in Hong Kong is unique as the interpretation process of the constitutional documents is highly complicated. Yet, public opinions are often quoted to support certain actions which very likely will harm the judicial independence in court. It is unclear if the public know what is at stake. Depending on the results of the investigation, if we find out how much the public know about the interpretation process, we will also be able to come up with suggestions to improve on the current situation.
Research Objectives:

We would like to know about the understanding of average Hong Kong people, i.e. those who are not in the legal profession of Interpretation of the Basic Law in Hong Kong. Particularly, we would like to find out their understanding on the controversial process of interpretation of the Hong Kong Basic Law by the Standing Committee of National People’s Congress in Hong Kong.

Methodology

Our investigation is by no means statistical. Yet, we wish to engage a meaningful dialogue between law students and non-law public on the latter’s understanding on the interpretation process. We adopt questions which are largely open-ended, and we encourage law students to ask the interviewees to elaborate on their answers when they can. We wish to open up the discussion for non-law public to talk about their understanding, and perhaps views, on interpretation of the Basic Law.

The selection on interviewees aims to be as random as possible. We invite law students to interview around 4 interviewees, of age group 18-30, 31-40, 41-50 and 50-100. We have received over 40 interviews on upon this date.
Analysis of Findings

We ask interviewees the following questions and our results are as follows.

1. What is interpretation of the Basic Law from your own understanding?

2. (a) What is interpretation of the Basic Law by Hong Kong court?
   (b) What is interpretation of the Basic Law by NPSCS?
   (c) Do you think there is a difference between the above two?
   (d) What is the difference between the court’s interpretation and the National People’s Congress Standing Committee’s interpretation of the Basic Law?

3. I’d like to ask you about your understanding of NPCSC’s interpretation of the Basic Law. Please tell me if you know the answers to these questions, or if you don’t know, say you don’t know.
   (a) Under what circumstances can the NPCSC interpret the Basic Law?
   (b) What is the effect of the NPCSC’s interpretation on the provisions in the Hong Kong Basic Law?
   (c) Can you name any examples where the NPCSC has interpreted the Basic Law?

4. Do you agree that the National People’s Congress Standing Committee’s interpretation of the Basic Law affects the Hong Kong legal system?
   Answer: (Strongly agree/ agree/ disagree/ strongly disagree/ don’t know or no comment)
   Can you elaborate on how?

5. Do you agree that the National People’s Congress Standing Committee’s interpretation of the Basic Law affects the Hong Kong court system?
   Answer: (Strongly agree/ agree/ disagree/ strongly disagree/ don’t know or no comment).
   Can you elaborate on how?

6. (a) Do you agree that the National People’s Congress Standing Committee’s interpretation of the Basic Law affects your rights?
Circle: (Strongly agree/agree/disagree/strongly disagree/don’t know or no comment).
Can you elaborate on how?

(b) Do you agree that the National People’s Congress Standing Committee’s interpretation of the Basic Law affects your life? (Strongly agree/agree/disagree/strongly disagree/don’t know or no comment). Can you elaborate on how?

7. Do you think you need to understand the discussion / matters?

1. 依你所知，什麼是基本法釋法?

2. （a）什麼是香港法庭為基本法釋法?
   （b）什麼是人大常委會為基本法釋法?
   （c）你覺得（a）和（b）有分別嗎?
   （d）人大釋法和香港法庭釋法有什麼分別?

3. 我會問你幾條問題有關你對人大釋法的認識，請照直回答你是否知道問題的答案。如果你對問題毫無認識，你可回答不知道。
   （a）在什麼情況下人大可解釋香港基本法?
   （b）人大釋法對香港基本法的條文有什麼效果?
   （c）你可以說說過往人大釋法的例子嗎?

4. 你同意人大委員會解釋基本法會影響香港的法律制度嗎?
   請答: [非常同意 / 同意 / 不同意 / 非常不同意 / 不知道或無意見]
   請詳細說明你的答案。

5. 你同意人大委員會解釋基本法會影響香港的司法/法院制度嗎?
   請答: [非常同意 / 同意 / 不同意 / 非常不同意 / 不知道或無意見]
   請詳細說明你的答案。

6. （a）你同意人大委員會解釋基本法會影響你的權利嗎?
   請答: [非常同意 / 同意 / 不同意 / 非常不同意 / 不知道或無意見]
   請詳細說明你的答案。
(b) 你同意人大委員會解釋基本法會影響你的生活嗎？
請答：[非常同意 / 同意 / 不同意 / 非常不同意 / 不知道或無意見]
請詳細說明你的答案。

7. 你認為你要認識以上的討論/議題嗎？

Results and Analysis

1. What is interpretation of the Basic Law from your own understanding?

We understand the interpretation of the Basic Law, basically as, a constitutional framework which governs the basic rights of Hong Kong people. It can be interpretation by the court of the NPCSC, and is the highest binding law in Hong Kong. This interpretation by an authorised body according to the Basic Law will be binding on Hong Kong people.

There were 8 people who said they do not know the question or give out tautology responses. The most popular answer, chosen by 12 people said that interpretation of the Basic Law is linked with the NPCSC or Central Government in mainland China. The second most popular answer is that interpretation refers to explaining clearly or clarification of the provisions at issue. Some also explain interpretation as explaining the meaning of the Basic Law.
There were also random answers such as, interpretation is used for when Hong Kong people cannot handle or deal with problems; explain clearly to Hong Kong citizens about the Basic Law; asking those who drafted the Basic Law to clarify the provisions. One also viewed the Basic law as a protection of their rights, and another viewed interpretation as finding a more powerful body than the court to amend the Basic Law.

In sum, some people immediately related NPCSC as the body to carry out interpretations. This may be due to the fact that most controversies appear on the newspaper concern NPCSC interpretation on the Basic Law. They may not know that HK court is actually a body that interprets the Basic Law. This will be even more evident in the next question.

Little people can describe the function of Basic Law or mention a legal basis to which interpretation is carried out. This may be related to the design of our question.

2. (a) What is interpretation of the Basic Law by Hong Kong court?

We understand interpretation of Hong Kong as referring to the court adjudicating cases based on the constitutional principles, facts, evidence, precedents in common law and statutes. Such interpretation, if made in High Court or Court of Final Appeal will have a binding force on a lower court. Since the Basic Law has constitutional force and embodies fundamental values, this interpretation will have an effect on Hong Kong people.

There were 15 people who said they do not know the question or give out tautology responses.
4 people mentioned the Court of Final Appeal’s role in adjudication. 1 person mentioned the Court of Final Appeal resolving disputes in cases. However, 3 people mentioned the NPCSC’s role in interpreting the Basic Law, despite the question asking them what is interpretation by the Hong Kong courts.

The word “explain” was used by quite a few. 3 people mentioned interpretation by the Hong Kong court as explaining the meaning of the Basic Law, and 3 people described interpretation as explaining the Basic Law.

Random answers on the interpretation made by Hong Kong courts include – resolving disputes in society; interpreting the Basic Law according to the Hong Kong people reflecting Hong Kong values. Some ‘out of the box’ answers include: Hong Kong “announcing” official explanations of the Basic Law; lawyers or barristers interpreting the Basic Law in a meeting, or that the Hong Kong court does not interpret law, but rather, the Basic Law explains decisions made by the court.

1 person said that because there is recording, he/she will not say it although it appears he/she knows the answer.

In sum, people are not aware that courts in Hong Kong interpret the law. Most people do not know the function of the court and confuses Basic Law interpretation as something to be done by NPCSC only. They do not realise that interpretation of the Basic Law can be done by both Court of Final Appeal in Hong Kong and NPCSC.
2. (b) Is there a difference between two ways of interpretation – Hong Kong Courts and NPCSC?

To our understanding, there is a fundamental difference between the two types of interpretation. Hong Kong court interpretation is based solely on legal principles, while NPCSC interpretation may not base their decisions on solely legal considerations. All except for 1 said there is no difference.

2. (c) Do you think there is a difference between the above two?

2 people said they do not know the answer.

Quite a few people – 16 people mentioned that there are differences because these are in two different jurisdictions – one in mainland China, one in Hong Kong. These 16 mentioned the jurisdictional difference, as the only reason as to why interpretation may be different via these two bodies.

11 people stated that Hong Kong court should give a more liberal, close to Hong Kong interpretation, and that NPCSC gives a more “communist” or China-based interpretation of the Basic Law. Some people suspect that NPCSC does not have a full and frank way of interpreting the Basic Law. 2 people said that Hong Kong court does not interpret the Basic Law.

3 people mentioned that when Hong Kong is unable to deal with the issues itself, will refer it to NPCSC. Some mentioned that Hong Kong people deals with Hong Kong
issues when interpreting in Hong Kong. Other answers include mentioning that NPCSC has broader interpretation than Hong Kong courts, or lacks Hong Kong local knowledge to make interpretation.

1 person mentioned that NPCSC writes the Hong Kong Basic Law.

In sum, most recognise that there is a difference between NPCSC and Hong Kong court interpretation of the Basic Law. However, we suspect that the difference was only picked up by the interviewees because of the question which is posed to them. This prompts the large number of jurisdictional comparisons to the interpretation, rather than detailed explanations of the substantial differences between two ways of interpretation.

3. (a) Under what circumstances can the NPCSC interpret the Basic Law?

To our understanding, the NPCSC may interpret the law upon the Hong Kong government or Court of Final Appeal’s request to interpret certain provisions of Basic Law which relates to Hong Kong and the Central Government, foreign or military affairs, according to Article 158 of the Basic Law.

However, it is debatable and unclear whether this is defined widely in practice. There are two main issues here – firstly, who can ask NPCSC for interpretation, and secondly, when can this body ask NPCSC for interpretation.

There has only been one occasion so far where the Court has sought interpretation

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5 The Constitutional and Mainland Affairs Bureau of the HKSAR government
within the literal meaning of Article 158 which is the Congo case\(^6\) in 2009. As to which body sought NPCSC interpretation, there has been one major occasion where NPCSC interpreted upon its own initiative – its 07/08 decision to halt universal suffrage development in Hong Kong.

Other occasions where NPCSC interpretation was sought by the Hong Kong Chief Executive included the Ng Ka Ling case and the issue on the term of the new Chief Executive after the original Chief Executive resigned in 2005.

13 people do not know the answer to this question. 7 people said that when there are disputes or controversies, the NPCSC will interpret the Basic Law. Amongst this 7, one person mention it involves cases which arise. 6 people mentioned Hong Kong court may seek interpretation. 1 person mentioned that interpretation can be done at any time.

In sum, a large number of people do not know about the circumstances as to when NPCSC interpretation may be sought. While some mention interpretation resolves disputes, they do not mention which body may seek for such interpretation. Only a small number mentioned a Hong Kong court may seek for such interpretation, but no one person was able to point out, at least vaguely, the grounds which the Court or the government may seek interpretation.

\(^6\) Democratic Republic of the Congo, China Railway Group (Hong Kong) Limited, China Railway Resources Development Limited, China Railway Sino-Congo Mining Limited, China Railway Group Limited and the Secretary for Justice vs FG Hemisphere Associates LLC [FACV Nos 5, 6 & 7 of 2010]
3.(b) What is the effect of the NPCSC’s interpretation on the provisions in the Hong Kong Basic Law?

NPCSC interpretation has a binding effect on Hong Kong law.

9 people said they do not know the answer. Within this, one person mentions that he does not know if Hong Kong courts should have an obligation to follow NPCSC interpretation. 1 person found this issue to be chaotic. 6 people believe that NPCSC interpretation will clarify the provisions of Hong Kong Basic Law and one of the 6 said the Hong Kong Court will follow the NPCSC decision.

As to the basis of NPCSC interpretation, 1 person mentions that NPCSC interpretation will give an interpretation based on legislative intent. As to the effect of NPCSC interpretation, 4 people stated that NPCSC interpretation will have adverse impact on Hong Kong, 5 said its interpretation will change the Basic Law and 1 person thinks the interpretation will reverse the Hong Kong judgment. 5 said that NPCSC has the highest authority and final say on the matters at issue. 1 person said that there will be no huge impact on the Basic Law, nothing much will change.

In sum, many do not know the answer to this question. Only 5 mentioned NPCSC’s authoritativeness. While most were able to point out that interpretation has a clarification function and have some impact on Hong Kong, its specific legal effect on Hong Kong law is not mentioned.
3.(c) Can you name any examples where the NPCSC has interpreted the Basic Law?

To our understanding, this includes the Right of Abode cases\(^7\) in 1999, Article 23 of the Basic Law, possibility of universal suffrage of 2007 and 2008\(^8\), term of the new Chief Executive after the original Chief Executive resigned in 2005, or formal terms for extradition of criminals under Article 95.

On some occasions, Article 23 of the Basic Law was mentioned by the interviewees, and 4 people mentioned mainland Chinese babies born in Hong Kong, a case in 2013. On one occasion, the domestic helpers’ case\(^9\) was mentioned.

According to 2 people, interpretation by the NPCSC on the Hong Kong Basic Law has never happened. On one occasion, 1 person mentioned all of the occasions where NPCSC interpretation occurred, including the Congo case. There has been 13 occasions where the Right of Abode cases (Ng Ka Ling case) have been named, and some people can name more than one. 2 people mentioned the electoral issues in 2007 - 2008. On three occasions, Chong Fong Yuen was mentioned.

1 person said that previous examples of NPCSC interpretation had something to do with China and universal suffrage.

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7. *Director of Immigration v. Master Chong Fung Yuen* [2001] 2 HKLRD 533

8. Decision of the Standing Committee of the National People’s Congress on Issues Relating to the *Vallejos Evangeline Banao also known as Vallejos Evangeline B. and Daniel Domingo L. v. Commissioner of Registration and Registration of Persons Tribunal (FACV 19 and 20/2012)* methods for selecting the Chief Executive of the Hong Kong Special Administrative Region and for forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2012 and on issues relating to universal suffrage: (http://www.legco.gov.hk/yr07-08/english/panels/ca/papers/ca0121-prpr071229-e.pdf)

9. *Vallejos Evangeline Banao also known as Vallejos Evangeline B. and Daniel Domingo L. v. Commissioner of Registration and Registration of Persons Tribunal (FACV 19 and 20/2012)*
In sum, most were able to name at least one example involving NPCSC interpretation. However, some wrongly mentioned cases which never went to NPCSC for interpretation.

4. Do you agree that the NPCSC interpretation of the Basic Law will affect the Hong Kong legal system?

Consistency in the law and certainty in the legal system are the qualities of the legal system which are enormously treasured by the Hong Kong public. However, NPCSC interpretation threatens these positive attributes.

NPCSC interpretation is an affront to the separation of powers. This is because firstly, the Court of Final Appeal no longer enjoys the status of being the final court of law. Secondly, the government may overturn a decision made by the highest court in Hong Kong for a decision which is in its favour by the NPCSC. Thirdly, the NPCSC decision may perhaps be made on grounds that not only include legal considerations but also political basis, especially when the breadth of issues is unclear.

Strongly agree: 6
Agree: 19
Not agree: 6
Strongly disagree: 1
Don’t know: 2
No comment: 1
Those who do not agree said that NPCSC interpretation will not affect the Hong Kong legal system, or may make the Hong Kong legal system better.

8 people said Hong Kong will lose autonomy because of this interpretation, 3 people specifically mentioned judicial independence under threat due to this interpretation. Some people highlighted systematic difference between China and Hong Kong.

While a large number of responses agreed that NPCSC interpretation will affect Hong Kong’s legal system, only 3 people were able to link NPCSC interpretation as affecting the legal system – its independence as a whole. Similar to answers in previous questions, some pointed out the obvious systematic differences between mainland China and Hong Kong but do not elaborate further.
5. Do you agree that NPCSC interpretation of the Basic Law affects the Hong Kong court system?

NPCSC interpretation disrupts the procedural fairness of Hong Kong court system.

8 people agreed that mainland and Hong Kong court system is structurally and culturally different. It is mentioned in one of these answers that mainland court will give an unreasonable explanation. 1 person mentioned NPCSC has greater power in interpretation, and another person said that they worry about future interpretation, although not now.

9 people mentioned the impact of the interpretation on separation of powers and judicial independence.

1 person said if the interpretation result is same as before it was interpreted, then it shouldn't be used. 1 person does not know the difference between previous question on legal system and court system. 1 person said that interpretation will affect Hong Kong lawyer’s rights.

When some interviewees disagreed that interpretation has any influence over the Hong Kong court system, some said the Basic Law is clear so there cannot be any interference or effect caused by the interpretation. Some said that it is merely an interpretation so the court system cannot be affected. 2 said that interpretation will have a good impact on Hong Kong court system, and 1 said this provides a platform for dialogue.

In sum, none have a clear understanding on the differences between the court system
and the legal system. None understand the process of court proceedings when interpretation occurs. As previous answers have shown, people mentioned structural differences, but do not explain much.

6. (b) Will NPCSC interpretation of the Basic Law affect your daily life?

Agree: 9
Disagree: 7
Don’t know: 2
No comment: 2

Examples of rights, especially freedom of speech, Article 23 of Basic Law, human rights were mentioned by 5 people. 4 other people mentioned everything in their daily life would be affected by NPCSC interpretation. 1 person mentioned that the law relates to daily life.

Those who disagreed with this said they are not interested in politics, the judiciary will not be affected by NPCSC interpretation, and 1 thought that the economy is more of a bigger concern than these issues. 2 people said for now, NPCSC interpretation will have no effect on daily life. 1 person trusts NPCSC interpretation.

In sum, those who agree were able to point out their rights which may be affected. However there were some who do not know, do not care or believe NPCSC interpretation will not have much effect on the judiciary.
7. Do you think you need to understand the discussion / matters?

Only 3 people said they do not need to know more about these topics.

Limitations

Our sample of interviewees may not accurately represent the demography of Hong Kong. Yet, we aim to open up a discussion between law students and the general public. It is not easy to engage a person on the street and attempt to develop a long conversation with them. As a result, we try to start with law students and people around them.

As the interpretation process itself is rather technical, we may not be able to avoid technical language in our questions. Interviewees may know about certain concepts but they cannot relate the answers to the language used in the questions.

We ask open-ended questions in our project, an attempt to encourage the interviewees to speak as much as they wish and tell us as much as they know about the interpretation process. As a result, the answers may vary greatly and the data results may be difficult to compile.
Conclusion

In conclusion, there appears to be some recognition of the differences between Hong Kong and mainland Chinese legal systems. However, greater understanding on the interpretation processes itself is lacking, whether it is interpretation by the Hong Kong court or the NPCSC.

It appears that the interviewees do have a concern about issues which are directly related to themselves – such as individual’s rights, freedom of speech, and mainlanders’ children right of abode. The interviewees were able to note the obvious systematic differences between mainland China and Hong Kong, and in general have a greater skepticism towards the system in China and NPCSC interpretation, associating NPCSC interpretation with controversial issues.

However, what is concerning is people’s lack of understanding of the important, technical details involved in interpretation – especially, how the Hong Kong legal and court system functions, and that the Hong Kong courts do in fact interpret the law itself. While some point out there is the principle of separation of powers in Hong Kong, most cannot draw a link between NPCSC interpretation and Hong Kong’s judicial independence. Most people could not give any detailed explanation on how NPCSC interpretation affects the separation of powers. If people lack knowledge in this area, it may be difficult for them to grasp how interpretation may affect their rights. Thus, they are unable to link government action and its potential impact on judicial independence or their rights. This may be more apparent in cases where Hong Kong people’s immediate rights are not affected, e.g. the right of abode case, whereas judicial independence in the long run could be compromised.
When the public do not understand what is at stake in Hong Kong, it is unclear whether they can give a representative and informed opinion when they are asked to support or oppose an act of interpretation.

It is concerning, that some cannot draw this link, and do not view NPCSC interpretation as an affront to their basic rights for the time being, but believe that it may in the future. This is an issue because it opens up a leeway or tolerance for further interpretation to be done. However, judicial independence should be an all or nothing concept, in our view – and even one instance of interpretation is sufficient to create an encroachment on Hong Kong legal system’s independence.
**Suggestions**

We discover in the investigation that in fact, almost all of the participants, after getting through the interviews actually would like to know more about the interpretation process and they think that they should know about it. Now that we know about areas which HK people in general are unfamiliar with, we can come up with suggestions to improve the situation.

The legal community should definitely engage the general public discussion in dialogues of the law. Particularly, the legal profession should highlight and explain in laymen term to the public why it is important to know about legal matters in Hong Kong, given unique legal situation in Hong Kong.

Ideally, legal studies can be made a subject in high school, just like the studies of accounting or business. Law is an inseparable part in daily life and it is important that people know what is happening in the legal system, which may directly or indirectly affect their lives.

We think that we, as law students can engage interested schools or students to discuss relevant matters of the law. For examples, we can be tutors or assistants in Liberal Studies. We can then share our views with students who are interested.

We expect that it will be a challenge to engage the public in a discussion of the law. The law or the judiciary is often said to be the least understood branch in society. The concepts can be complicated, technical and tedious. Now that we know what people cannot understand, we hope to find interesting ways to explain legal concepts to the public.
Further research

As seen from our investigation, people generally agree that the interpretation by the NPCSC affects the legal system, the courts and perhaps their lives in Hong Kong. Yet, most of them do not understand how court and interpretation work. It is crucial that in further research, we ask them how they arrive at their conclusions with knowing much about the systems. We then should investigate whether their path of thoughts may indicate certain misconceptions and how we can remedy such.