

Statement by of The Law Society of Hong Kong

The Law Society of Hong Kong notes comments reported to have been made on behalf of the Legislative Affairs Commission of the Standing Committee of the National People's Congress (NPCSC) on 19 November 2019, concerning the High Court judgment dated 18 November 2019, in relation to the Emergency Regulations Ordinance.

It is not the practice of the Law Society to comment on individual cases, which may be the subject of an appeal.

The Law Society considers that it is important to reiterate that nothing should be said or done that will undermine, or will be perceived to undermine, judicial independence and the rule of law in the Hong Kong Special Administrative Region; both of which are fundamental to the Region's common law legal system.

Article 85 of the Basic Law expressly provides that the courts of the HKSAR shall exercise judicial power independently, free from any interference.

Article 158(1) states that the power of interpretation of the Basic Law shall be vested in the Standing Committee of the National People's Congress. Article 158(2) sets out the basis for the courts of the HKSAR to interpret on their own those provisions of the Basic Law that are within the limits of the autonomy of the Special Administrative Region.

In light of the above, and to avoid any misunderstanding, the Law Society confirms that it has full confidence in: (i) the independence and the role of the courts of the HKSAR; and (ii) the proper functioning of the judicial and legal systems of the HKSAR, under "*One Country, Two Systems*" in accordance with the Basic Law.

The Law Society of Hong Kong
21 November, 2019