



From the President
會長信箋

To Editor/ Assignment Editor:

**Response to Media Enquiries relating to Interpretation of National Security Law
by Standing Committee of National People's Congress**

In response to media enquiries relating to the interpretation of Articles 14 and 47 of the Hong Kong National Security Law ("NSL") by the Standing Committee of the National People's Congress of the People's Republic of China ("NPCSC") on 30 December 2022 ("the Interpretation"), I would like to make the following response.

It is trite law that the power to interpret the NSL is vested in the NPCSC.

Article 67(4) of the Constitution of the People's Republic of China clearly states that the NPCSC has power "to interpret the laws".

Article 45(2) of the Legislation Law of the People's Republic of China states that the NPCSC shall give interpretation to a national law in the circumstance that a new situation arises after enactment of such legislation, thereby requiring clarification of the basis of its application.

Article 65 of the NSL expressly states that "[t]he power of interpretation of this Law shall be vested in the [NPCSC]". Further, Article 62 of the NSL states that "[t]his Law shall prevail where provisions of the local laws of the Hong Kong Special Administrative Region are inconsistent with this Law."

Under Article 2 of the Basic Law, the Hong Kong Special Administrative Region enjoys independent judicial power, including that of final adjudication. Under Article 35 of the Basic Law, Hong Kong residents shall have the right to choice of lawyers.

The Interpretation clarifies the legislative intent of a number of provisions of the NSL, including the mechanism whereby lawyers can be involved in NSL cases.



THE

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The relevant specialist committees of the Law Society will study the details of the Interpretation. The Law Society may issue a formal statement on the subject matter later, where necessary, and will work closely with the Government when considering amendments to the Legal Practitioners Ordinance.

Yours sincerely,

C. M. Chan
President of The Law Society of Hong Kong
31 December 2022



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會長信箋

致 傳媒編輯/ 採訪主任：

回應傳媒就全國人民代表大會常務委員會解釋《國安法》作出的查詢

中華人民共和國全國人民代表大會常務委員會（「人大常委會」）於2022年12月30日就《香港國安法》第14及47條進行釋法（「釋法」），本人現就相關傳媒查詢作出以下回應。

人大常委會有法定權力解釋《香港國安法》是毋庸置疑的。

《中華人民共和國憲法》第67(4)條清晰指出全國人大常委會有權「解釋法律」。

《中華人民共和國立法法》第45條第2款規定，法律制定後出現新的情況，需要明確適用法律依據的，由人大常委會解釋。

《香港國安法》第65條明確規定：「本法的解釋權屬於人大常委會。」此外，《香港國安法》第62條規定「香港特別行政區本地法律與本法不一致的，適用本法」。

根據《基本法》第2條，香港特別行政區享有獨立的司法權和終審權。而根據《基本法》第35條，香港居民有權選擇律師。

是次釋法釐清了《香港國安法》一些條文的立法原意，包括律師可以參與國安法案件的機制。

律師會轄下的相關專業委員會將研究是次釋法。如有需要，律師會稍後或會就有關事宜發表正式聲明，並在考慮《法律執業者條例》的相關修訂過程中與政府保持緊密合作。

香港律師會會長 陳澤銘
2022年12月31日