



**Statement by the Law Society of Hong Kong in response to the Staff Research Report
May 2023 by the US Congressional-Executive Commission on China**

1. The Law Society of Hong Kong notes the publication of a Staff Research Report May 2023 by the US Congressional-Executive Commission on China. The Report is titled “One City, Two Legal Systems: Hong Kong Judges’ Role in Rights Violations under the National Security Law”.
2. The Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (“NSL”) is a national law formulated by the Standing Committee of the National People’s Congress (“NPCSC”) in accordance with the Constitution of the People’s Republic of China and the Basic Law of HKSAR (“Basic Law”).
3. The Law Society condemns any attempt to undermine the administration of justice or challenge the rule of law or judicial independence of the Hong Kong justice system.
4. Judicial independence is constitutionally entrenched in the Basic Law. Article 2 guarantees independent judicial power, including that of final adjudication in accordance with the provisions of the Basic Law; Article 19 provides that Hong Kong shall be vested with independent judicial power; and Article 85 provides that the courts shall exercise judicial power independently, free from any interference.
5. The constitutional role of judges and judicial officers is to apply the law. Article 84 of the Basic Law states that judges and judicial officers shall adjudicate cases in accordance with the law. The Judicial Oath requires all judges and judicial officers to safeguard the law and administer justice without fear or favour.
6. Any attempt to exert pressure by the implementation of sanctions against a judge due to the type of cases that he or she is assigned to handle is an affront to the rule of law and judicial integrity. The Law Society calls for respect for the rule of law and an immediate halt to making any unfounded allegations on the justice system of Hong Kong.

**The Law Society of Hong Kong
12 May 2023**



香港律師會就美國國會及行政當局中國委員會發表 2023 年 5 月幕僚報告書的聲明

1. 香港律師會留意到美國國會及行政當局中國委員會發表了一份名為《一個城市，兩種法制 - 香港法官在國安法下侵犯權利的角色》2023 年 5 月幕僚報告書。
2. 《中華人民共和國香港特別行政區維護國家安全法》（《香港國安法》）是全國人民代表大會常務委員會（“全國人大常委會”）根據《中華人民共和國憲法》和《香港特別行政區基本法》（《基本法》）制定的全國性法律。
3. 律師會譴責任何企圖干預司法公義或挑戰法治、香港司法制度的司法獨立的行為。
4. 《基本法》確立了司法獨立在香港的憲制地位。第 2 條保障獨立的司法權，包括依照《基本法》規定的終審權。第 19 條亦訂明香港享有獨立的司法權。而第 85 條規定法院獨立進行審判，不受任何干涉。
5. 法官和司法人員的憲制角色是按法律斷案。《基本法》第 84 條規定，法官和司法人員應當依法律審判案件。所有法官和司法人員的司法誓辭均要求他們無畏無懼地捍衛法律和維持司法公義。
6. 任何企圖以制裁向被委派處理某類案件的法官施壓的行為，都是對法治以及司法誠信的侮辱。律師會呼籲各界尊重法治，立即停止對香港司法制度作出任何毫無根據的指控。

香港律師會
2023 年 5 月 12 日