

Press Releases:
10 October 2012

The Law Society of Hong Kong Press Statement

The Law Society of Hong Kong has noted various press reports on recent comments in a public forum made by Ms Leung Oi Sie Elsie, currently the Deputy Director of the Basic Law Committee of the HKSAR of the Standing Committee of the National People's Congress of PRC ("NPCSC").

The Law Society of Hong Kong does not have a full transcript of Ms Leung's comments and therefore is not in a position to fully respond to these comments. However, the Law Society of Hong Kong notes that under the Basic Law, Hong Kong courts are authorized by the NPCSC to interpret on their own, in adjudicating cases, the provisions of the Basic Law which are within the limits of autonomy of Hong Kong.

The Law Society of Hong Kong believes that the independence of the judiciary in Hong Kong is deeply established, and the quality, integrity and credibility of our judges are well respected.

Given the expressed concerns raised by the community over the effects of an interpretation of the Basic Law by the NPCSC on the independence of the judiciary and the rule of law as Hong Kong's core values, the Law Society of Hong Kong believes the Government should act cautiously when considering whether to seek an interpretation of any provisions of the Basic Law.

On the question of Mainland mothers giving births in Hong Kong, given established legal principles, the Law Society of Hong Kong considers that a referral to the NPCSC to interpret Article 24(2)(1) of the Basic Law will undermine the authority and standing of the Court of Final Appeal and likely damage the rule of law in Hong Kong.

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