

**THE HONG KONG BAR ASSOCIATION'S STATEMENT
CONCERNING THE POSSIBILITY OF THE NPCSC
TO INTERPRET THE BASIC LAW
CONCERNING THE INCIDENT OF OATH TAKING
BY LEGISLATIVE COUNCILLORS**

1. The Bar is deeply concerned about reports that the Standing Committee of the National People's Congress ("NPCSC") may interpret the Basic Law in relation to the taking of oath by certain Legislative Councillors. The Bar takes the view that if the NPCSC insists on interpreting the Basic Law in response to the incident at this stage, it will deal a severe blow to the independence of the judiciary and the power of final adjudication of the Hong Kong court. It will also seriously undermine the confidence of the Hong Kong people and the international community in the high degree of autonomy of the HKSAR under the principle of One Country, Two Systems. The irreparable harm it will do to Hong Kong far outweighs any purpose it could possibly achieve.

2. As to the incident concerning the oath taking by Leung and Yau, the Secretary for Justice, inter alia, has already applied for judicial review and commenced legal proceedings. The Court has already granted leave to apply for judicial review, and the substantive hearing of both sets of legal proceedings will take place tomorrow (with the day after

tomorrow reserved). We take the view that the Hong Kong judiciary is well capable of arriving at a fair adjudication on the issues of the legality of the oath and the scope of the related powers of the President of the LegCo within the judicial system of Hong Kong.

3. The Bar implores the NPCSC to exercise the highest degree of restraint in handling this highly sensitive incident as its gesture will have critical implications on One Country, Two Systems.

Hong Kong Bar Association

2 November 2016