

Press Release of the Hong Kong Bar Association (HKBA)

On the events at Legislative Council on 1 July 2019

The events of July 1 that saw some protestors breaking into the Legislative Council Complex (“**Complex**”) have attracted much public concern and discussion. No one needs a reminder from the HKBA of the importance of maintaining law and order and that events at the Complex on that day saw some individuals committing a variety of criminal offences.

Adherence to the law is an important aspect of the Rule of Law which our community, including the millions who had peacefully marched on the streets in the past weeks, treasures and which it has sought to defend with fervour.

Apart from compliance with the law, the Rule of Law also encompasses other equally important components such as respect for human rights and civil liberties, an open and accountable executive, effective checks and balances under the doctrine of separation of powers, and an independent judiciary. These are indispensable.

Each sector of our community, especially the government as the embodiment of public authority, has a responsibility to uphold these fundamental values and the institutions that embody them which make the HKSAR unique.

Now is time for the leaders in the government to communicate openly with society at large, including those who have protested. HKBA calls on the government to respond in a sincere way to the demands of the community voiced so emphatically over the past weeks. A refusal to engage with the public over important and pressing issues is inimical to the Rule of Law.

HKBA also renews its call on the government to set up an independent inquiry to look into the events on June 12. Such inquiry should also investigate the events on July 1 at the Complex, including the circumstances under which the Complex was left unprotected.

HKBA notes that the Independent Police Complaints Council (IPCC) has commenced a study into the key events of the past few weeks.

HKBA is of the view that the scope of powers and potential areas of investigation of a statutory independent inquiry, which could look into not only what happened but why events happened, cannot be met by the IPCC which lacks the mandate to inquire into anything further than complaints against police and police practice and procedures.

The IPCC also lacks the powers, conferred upon a statutory inquiry, to require the production of documents and to require witnesses to attend hearings. There is also inadequate protection to witnesses giving information to the IPCC which may be passed onto the police, unlike in a statutory inquiry where a witness enjoys immunity from suit.

The community now needs a credible commission, headed by someone with judicial experience, to find out the truth of what happened and hold to account anyone who had broken the law or failed in their duties during those momentous events. A statutory inquiry should go some way towards healing the rifts in our community.

Hong Kong Bar Association

5 July 2019