

STATEMENT OF THE HONG KONG BAR ASSOCIATION
IN RESPECT OF MASS DEFIANCE OF COURT INJUNCTIONS

1. The Hong Kong Bar Association (“HKBA”) condemns the acts of individuals over the past weekend which constituted serious obstruction and interference with the operation of the Hong Kong International Airport and the MTR and damage to airport and MTR property in open defiance of injunctions granted by the Court.
2. In accordance with the principles of Rule of Law, every person must obey a Court order. Failure to do so constitutes a contempt of Court. As the Court of Appeal pointed out in Secretary for Justice v Wong Chi Fung [2019] HKCA 548: (1) the Rule of Law distinguishes Hong Kong as a modern civilized and open society from anarchy where the rule of might prevails, and it renders all the rights and freedoms guaranteed by law which we enjoy and cherish real and meaningful in actuality; and (2) criminal contempt impedes the due administration of justice and, if unchecked, will inflict grave and irreparable damage to the Rule of Law in Hong Kong.
3. Respect for the authority of the Court is a fundamental tenet of the Rule of Law. Any deliberate and orchestrated defiance of a Court Order represents a flagrant assault on the Rule of Law, and will inevitably lead to an erosion of judicial authority.
4. If anyone believes that an Order made by the Court ought not have been made, it is open to him or her to challenge the Court Order in Court. But until and unless a Court Order is set aside by the Court, it must be obeyed. Wilful disregard for Court Orders will lead to a descent into lawlessness.
5. Whilst the acts of those in open defiance of the injunctions cannot be justified and persons responsible will no doubt be held accountable by the Court after due process of law, the Government needs to address the frustration felt by the general public about its continued silence in the face of a strong demand for constructive engagement to resolve the current crisis. The HKBA repeats the call to the Government that it responds to the public’s demand for a complete withdrawal of the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 and for the establishment of an independent commission of inquiry to look into the events occurring since June this year.

HONG KONG BAR ASSOCIATION

Dated 2 September 2019