



HONG KONG BAR ASSOCIATION

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Press Release (For immediate release)

Statement of the Hong Kong Bar Association (“HKBA”)

In response to media enquiries, the HKBA’s reply is as follows:

1. As a matter of principle, the HKBA will not comment on individual cases especially when litigants may exercise their rights of appeal. As the current case is the first decided case of Collusion with a Foreign Country or with External Elements to Endanger National Security under the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (“NSL”), it is of significant importance to the development of Hong Kong’s unique jurisprudence under the “One Country, Two Systems” principle.
2. Hong Kong is a jurisdiction which follows the common law system. The legal system in Hong Kong has been operating independently.
3. Legal practitioners in Hong Kong’s legal system have been independently and professionally discharging their duties to maintain the rule of law.
4. Hong Kong judges will not consider any political considerations but adjudicate on the cases before them based on the law and evidence alone. Regarding legal representation, the barristers representing any litigants must follow the “cab-rank rule” to ensure a fair hearing for their clients.

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5. The vast majority of criminal trials, including the one in issue, are held in open court, and the process is fully transparent. Hong Kong's legal system includes the Court of First Instance, the Court of Appeal and the Court of Final Appeal. All litigants are entitled to the right of appeal as is appropriate.
6. The HKBA is confident that the Hong Kong Judiciary will continue to operate independently, apolitically and will not be affected by any external influence or external interference.
7. National security legislation is an important feature under the "One Country, Two Systems" principle. When construing the NSL, the common law approach is used (paragraph 48 of the Reasons for Verdict) bearing in mind

"NSL 1 (General Principles) says that the NSL is enacted for the purpose of:

- *ensuring the resolute, full and faithful implementation of the policy of One Country, Two Systems under which the people of Hong Kong administer Hong Kong with a high degree of autonomy;*
- *safeguarding national security;*
- *preventing, suppressing and imposing punishment for the offences of secession, subversion, organisation and perpetration of terrorist activities, and collusion with a foreign country or with external elements to endanger national security in relation to the Hong Kong Special Administrative Region;*
- *maintaining prosperity and stability of the Hong Kong Special Administrative Region; and*
- *protecting the lawful rights and interests of the residents of the Hong Kong Special Administrative Region.*

(original emphasis)

(paragraph 51 of the Reasons for Verdict)"

8. The HKBA hopes the public and anyone interested in the legal system in Hong Kong will consider the Reasons for Verdict carefully and respect the judicial process in Hong Kong.

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