

**Statement of the Hong Kong Bar Association ("HKBA")
on the interpretation of the Law of the People's Republic of China on Safeguarding
National Security in the Hong Kong Special Administrative Region ("NSL")
by the Standing Committee of the 38th session of the 13th National People's Congress
("NPCSC") in accordance with Article 65 of the NSL on 30 December 2022
("Interpretation")**

The NPCSC made clear in the Interpretation that the Chief Executive ("CE") and the Committee for Safeguarding National Security of the HKSAR ("**Committee**") have been entrusted with the power to give effect to the NSL as necessary under any particular circumstances within the jurisdiction of the HKSAR.

The exercise of such power has important ramifications on the right to be legally represented, the right to a fair trial, and the perception of fairness in a trial, which are of fundamental importance to the rule of law and the administration of justice as is recognised in the HKSAR. All the guaranteed constitutional rights of a defendant in a criminal trial are preserved in NSL cases by Articles 4 and 5 of the NSL which must be read and applied together with all other provisions of the NSL and the laws of Hong Kong.

We expect that the CE and the Committee will exercise their power in a way that fosters the public's trust in upholding the rule of law, judicial independence and protecting the human rights as enshrined in the Basic Law as the NSL continues to operate in our unique legal system under the principle of One Country, Two Systems.

The CE said he is actively considering the amendment of the Legal Practitioners Ordinance in addressing the issue of legal representation in NSL cases. The HKBA agrees with the use of local legislation in addressing the issue of legal representation in our court and looks forward to offering our views on any proposed amendments.

We firmly believe our judiciary will continue to discharge its duties in exercising its independent judicial power in adjudicating NSL cases in accordance with the principles enshrined in the Basic Law.

Dated: 31 December 2022