

Legal profession stays strong and independent under new order

Hong Kong continues to have a strong and independent legal profession under the new constitutional framework, as guaranteed by both the Joint Declaration and the Basic Law, the Solicitor General, Mr Bob Allcock, said today (November 20).

Speaking during a luncheon at the Presidents of Law Associations of Asia Conference 2003, Mr Allcock said that the legal profession continued to be a vital source of strength for Hong Kong in many ways.

The legal profession provided a full range of legal services to local and international clients, making Hong Kong a regional hub for legal advice and dispute resolution services, he said.

"We have a sophisticated legal sector that deals with the entire spectrum of legal work in areas such as capital markets, corporate finance, securities, intellectual property, information technology, and maritime law," said Mr Allcock.

"It is not just international corporations that find comfort in the depth and breadth of experience we have in our legal sector. Mainland parties may also find there are benefits in using Hong Kong as a dispute resolution centre.

"We share the same language and culture, and we are extremely familiar with the way the Mainland market operates. So it is clear that the Hong Kong legal sector possesses unique advantages in serving the legal needs of both international and Mainland business."

Those advantages had been reinforced by special privileges given to Hong Kong lawyers under the recently concluded Closer Economic Partnership Arrangement made between Hong Kong and the Mainland, Mr Allcock said.

He also noted the role that Hong Kong lawyers played in respect of human rights. "There is no shortage of lawyers who are prepared to help individuals to protect their human rights if they are considered to have been breached.

"The guarantees in the Basic Law, particularly those relating to human rights,

have been the source of much litigation."

Mr Allcock pointed out that the courts had interpreted and enforced those guarantees without fear or favour.

The courts had made rulings on the constitutionality of the Provisional Legislative Council, provisions on right of abode in the Immigration Ordinance, the law prohibiting the desecration of the national and regional flags, village elections, the abolition of the two former municipal councils and a reduction in civil service salaries.

"The decisions in these cases, some in favour of the government and some against, demonstrate that the Basic Law is not a piece of window-dressing. It is a powerful and enforceable constitutional document," Mr Allcock said.

On the continuity of the law and of the courts, Mr Allcock said that the common law principles, and nearly all the 600-odd ordinances that were previously in force, continued to apply in the Hong Kong SAR.

The Basic Law provided that the judicial system previously practised in Hong Kong should be maintained except for those changes consequent upon the establishment of the Court of Final Appeal, he added.

Ends/Thursday, November 20, 2003