

Transcript of remarks by SJ after LegCo Panel on Administration of Justice and Legal Services meeting

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Following is the transcript of remarks by the Secretary for Justice, Mr Paul Lam, SC, at a media session after attending the Legislative Council Panel on Administration of Justice and Legal Services meeting this morning (March 17):

Reporter: Hello Secretary, why is there a need for a two-tier screening mechanism for overseas lawyers to come and take part in national security cases? And also why is the proposed mechanism not retroactive? How will the Government handle similar cases before the amendment takes effect?

Secretary for Justice: Thank you. Well, as you have just mentioned, we have proposed a two-stage process. Before any formal application can be made, an applicant has to submit relevant information together with evidence for one purpose, that is to show that there is a real prospect, a real chance, that his application falls within the exception - namely that to allow his admission to appear in a case concerning national security will not be contrary to the interests of national security. The purpose of this pre-application process is to ensure that the system will not be abused, and that the Chief Executive will only be required to exercise his power under Article 47 of the Hong Kong National Security Law (NSL) in a case where there is substance. In other words, to ensure that groundless applications will not go before the Chief Executive, so as to require him to exercise a very serious and solemn power under the NSL.

And as to the second point, I wish to make it very clear that the proposed amendment to the Legal Practitioners Ordinance does not intend to apply to any application which has been made before the enactment of the proposed amendment, including application which has already been processed by the court.

(Please also refer to the Chinese portion of the transcript.)

Ends/Friday, March 17, 2023