

SJ lodges complaints to legal professional bodies against professional misconduct of barrister and solicitor

The Secretary for Justice, Mr Paul Lam, SC, lodged formal complaints to the Hong Kong Bar Association and the Law Society of Hong Kong today (July 10) against the professional misconduct of Mr Kwok Wing-hang and Mr Yam Kin-fung respectively.

Mr Lam said, "They made use of their professional capacity as a Hong Kong barrister and a Hong Kong solicitor to lend perceived credibility and authority to their smearing of Hong Kong's judicial system and rule of law, and made slanderous remarks against Hong Kong judges and prosecutors. They advocated and supported foreign 'sanctions' against China and the Hong Kong Special Administrative Region (HKSAR), in particular judicial officers and prosecutors of the HKSAR. Their acts are respectively in breach of the code of conduct of a barrister and of a solicitor, and are most inappropriate. These acts have undermined the judicial system and overall interests of the HKSAR. As the guardian of public interest in the proper administration of justice and upholding the rule of law, I am duty-bound to defend Hong Kong's rule of law and due administration of justice."

Mr Lam pointed out that as members of the local legal profession, they have not only made false accusations to attack Hong Kong's judicial system, but also went further. Mr Kwok called for undermining Hong Kong's financial system and attempted to interfere with the judges' hearing of national security cases in accordance with the law. Mr Yam even advocated and supported "sanctions" against judges and prosecutors, and further threatened to "sanction" their family members. These acts clearly trampled on justice and harmed the interests of HKSAR residents. They are absolutely unacceptable.

Both Mr Kwok's and Mr Yam's acts are suspected of seriously violating cardinal professional rules and ethics of a legal practitioner, in particular the duty to maintain the honour and dignity of their profession. Their acts bring the profession into disrepute and undermine public confidence in the HKSAR's judicial system and rule of law.

The HKSAR's judicial system has always been highly regarded by international communities and protected by the Basic Law. As the Chief Justice of the Court of

Final Appeal stated at the Ceremonial Opening of the Legal Year 2023, in adjudicating cases, all judges, whether they are designated judges under the Hong Kong National Security Law or not, have faithfully applied the law to the best of their ability and in accordance with the evidence presented before them. The Department of Justice (DoJ), by virtue of the Basic Law, controls criminal prosecutions, free from any interference. Independent prosecutorial decisions for each case are made in a rigorous and objective manner, strictly based on evidence and applicable laws, and are in accordance with the Prosecution Code.

Barristers and solicitors in Hong Kong must observe the Code of Conduct and the Guide to Professional Conduct of their respective professional legal body. The Hong Kong Bar Association and the Law Society of Hong Kong are the respective regulatory bodies of the barristers' and solicitors' branches under the Legal Practitioners Ordinance and its subsidiary legislation. The Bar Association and the Law Society are empowered under the Legal Practitioners Ordinance to refer a matter on a barrister's or a solicitor's conduct to a Barristers Disciplinary Tribunal or a Solicitors Disciplinary Tribunal respectively. The DoJ respects the two legal professional bodies' complaints handling mechanisms and the self-regulatory regimes, and is confident that the two bodies will handle these complaints in accordance with the law and the established procedures in a stringent, appropriate and timely manner.

Ends/Monday, July 10, 2023