



THE
LAW SOCIETY
OF HONG KONG
香港律師會



The Hong Kong Bar Association and the Law Society of Hong Kong note the recent public statements and discussions concerning applications for judicial review of administrative decisions and actions.

Article 35 of the Basic Law of the HKSAR provides that Hong Kong residents have the right to institute legal proceedings in the courts against the acts of the executive authorities and their personnel.

Applications for judicial review may proceed only with the permission of the Court of First Instance, which is to consider each ground for review put forward and grant permission only if the ground is reasonably arguable. The courts of the HKSAR have various procedural and other means at their disposal to prevent the judicial process from being abused.

The task of the courts is to adjudicate impartially on the legal and factual issues involved in the particular case according to the law, whatever the nature of the controversy and whoever the parties may be. Where a court has ruled on the legal issues in a particular way at first instance, a party dissatisfied with the court's judgment has the avenue of appeal.

Public comments on a case which is currently under appeal are highly inappropriate, particularly from any person representative of or closely associated with one of the parties to the appeal, as it is *sub judice*.

The Hong Kong Bar Association and the Law Society of Hong Kong are committed to upholding the rule of law and the independence of the judiciary as two of the most important pillars of the prosperity and stability of Hong Kong.

香港大律師公會和香港律師會關注近日公眾對行政決策，申請司法覆核的有關言論及行動。根據香港特別行政區基本法第三十五條，香港市民有權對行政機關及其人士所作出的行為提出起訴。

初審法院只會批准有合理爭議理據的申請，進行司法覆核。香港特區之法院有程序及多種措施，防止濫用司法程序。

法院的工作是要公正無私地審理每宗案件，不論爭議的性質或當事人的身份，不偏不倚地根據法律及事實理據作出裁決。當事人如對初審判決不滿，有權上訴。

對於仍在司法程序中有待裁決的案件，不應作公開評論。與當事人有密切關連之人士及其代表，對尚在進行上訴的個案作公開評論，尤其不恰當。

香港大律師公會和香港律師會致力捍衛法治精神和獨立的司法制度，這些都是維持香港安定繁榮的基石。

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Enquiry

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