

HK lawyers march against NPC ruling

Written by Taipei Times

Wednesday, 09 November 2016 07:30 -



Members of Hong Kong's legal community and law students from the University of Hong Kong walk silently last night along Queensway to protest against the Chinese government's interference in the territory's judicial affairs.

Photo: EPA

Hundreds of Hong Kong lawyers dressed in black yesterday marched through the heart of the territory in silence to condemn a move by China that effectively bars two elected pro-independence lawmakers from taking their seats in the legislature.

Local and foreign lawyers walked from the High Court to the Court of Final Appeal, underscoring growing concern among Hong Kong's legal elite with how Beijing has handled affairs in the "special administrative region."

The demonstration follows a decision by China's National People's Congress to interpret Hong Kong's mini-constitution, or Basic Law, to effectively bar the independence lawmakers from taking their oaths of office.

"We want to express that interpretation is not the norm of the Hong Kong legal system," said barrister and Legislator Dennis Kwok (鄧永祥), who organized the rally. "We will not accept interpretation becoming the norm."

As the lawyers marched, about a dozen pro-Beijing protesters taunted them, some shouting obscenities through loudspeakers.

HK lawyers march against NPC ruling

Written by Taipei Times

Wednesday, 09 November 2016 07:30 -

One Beijing loyalist held up a placard that read: “Rioters mess up Hong Kong.”

Beijing’s ruling on Monday that oaths for Hong Kong lawmakers must be taken accurately, sincerely and solemnly for them to be valid, just as a local judicial review of the case was under way, rattled many in the legal profession, political circles and beyond.

The High Court is set to decide if pro-independence Youngspiration lawmakers Sixtus “Baggio” Leung (梁國雄), 30, and Yau Wai-ching (游蕤晶), 25, might be disqualified after they displayed a “Hong Kong is not China” banner during a swearing-in ceremony on Oct. 12 which resulted in their oaths being invalidated.

Hong Kong has thrived as a financial and legal center thanks in part to its independent rule of law, which many inside and outside the territory now see as under threat.

The Hong Kong Bar Association, which represents more than 1,000 barristers, expressed regret over the interpretation, saying it would “do more harm than good” and gave the impression that Beijing was effectively legislating for Hong Kong.

The march was only the fourth such protest by the territory’s lawyers since 1997.

The last march, in June 2014, was in response to a white paper by China’s Cabinet that declared “loving the country” was a basic political requirement for all Hong Kong administrators, including judges and judicial personnel.

Monday’s ruling breaks new ground because it is the first time that Beijing has acted in a pending court case without a request by the Hong Kong government or judiciary, and because it appears to establish a mechanism for authorities to block critics of Chinese Communist Party rule from taking elected office or even getting their names on ballots.

Some academics said the decision went beyond interpreting the charter and amounted to

HK lawyers march against NPC ruling

Written by Taipei Times

Wednesday, 09 November 2016 07:30 -

rewriting the local statute governing how officials are to be sworn in.

It requires lawmakers to read their oaths “completely and solemnly,” exactly as written, and orders those who administer oaths to disqualify lawmakers who alter or deliver the words in an “insincere or undignified manner,” barring them from office without another chance to be sworn in.

The decision also says lawmakers will be held liable if they violate their oaths, but it provides no guidance on who has the power to determine whether a lawmaker is in breach or what the punishment should be.

The fear is that this will inject a degree of arbitrariness into a system that is based on rules underpinned by centuries of precedent under British common law.

Additional reporting by NY Times News Service

Source: [Taipei Times - 2016/11/09](#)