



THE

LAW SOCIETY
OF HONG KONG
香港律師會

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From the President
會長信箋

致 傳媒編輯/ 採訪主任：

香港律師會會長就傳媒查詢
The Law Association for Asia and the Pacific (“LAWASIA”)
所發出的聲明作出的回應

LAWASIA (The Law Association for Asia and Pacific) 於 2023 年 7 月 31 日發表的聲明並不代表我的個人觀點。

《香港國安法》第四條訂明，香港特別行政區維護國家安全應當尊重和保障人權，依法保護香港特別行政區居民根據基本法和《公民權利和政治權利國際公約》、《經濟、社會與文化權利的國際公約》適用於香港的有關規定所享有的權利和自由。

香港高等法院於 2023 年 7 月 28 日作出的一項判決中指出，表達自由不是絕對的，但仍然是一項非常重要的權利，如果不滿足法律確定性和比例原則的要求，就不能被合法地限制。另外，在社會利益和對受憲制保護的個人權利的侵害和衝擊之間是否達致合理平衡，特別是要問追求社會利益是否會對個人造成不可接受的沉重負擔。

香港律師會作為一個自我監管的專業機構，擁有監管律師專業行為的法定權力，會公平、公正、有效率地處理有關其會員的投訴。我們必須確保每個人都能夠在不受外來壓力的情況下提出有關專業操守的投訴。不論與國家安全法有沒有關聯，在律師會調查對律師的投訴期間，對律師會施加壓力是不能接受的行為。

香港律師會會長 陳澤銘
2023 年 8 月 1 日



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會長信箋

To Editor/ Assignment Editor:

**Response from President of The Law Society of Hong Kong
to media enquiry about a statement issued by
The Law Association for Asia and the Pacific (“LAWASIA”)**

The statement issued on 31 July 2023 by LAWASIA, The Law Association for Asia and the Pacific, does not represent my personal view.

Article 4 of the Hong Kong National Security Law provides that human rights shall be respected and protected in safeguarding national security in the Hong Kong Special Administrative Region. The rights and freedoms which the residents of the Region enjoy under the Basic Law and the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong, shall be protected in accordance with the law.

In a judgment handed down by the High Court of Hong Kong on 28 July 2023, the Court expressly stated that freedom of expression is not absolute in nature but is nonetheless a highly important right that cannot be lawfully restricted without the requirements of legal certainty and proportionality being met. Further, on whether a reasonable balance has been struck between the societal benefits of the encroachment and the inroads made into the constitutionally protected rights of the individual, one has to ask in particular whether the pursuit of the societal interest results in an unacceptably harsh burden on the individual.

Vested with statutory powers to regulate the professional conduct of solicitors, The Law Society of Hong Kong is a self-governing professional body which deals with complaints about its members fairly, impartially and efficiently. We have to ensure that every individual is able to file complaints about professional conduct without pressure. Any pressure to be exerted on the Law Society when the complaints (whether or not relating to the National Security Law) are under investigation is unacceptable.

C. M. Chan
President of The Law Society of Hong Kong
1 August 2023