

## [Public hospitals daily update on COVID-19 cases](#)

The following is issued on behalf of the Hospital Authority:

As at 0.00am today (August 3), a total of 1 533 patients who tested positive for COVID-19 are currently hospitalised for treatment, including 164 new patients. Among the patients staying in isolation facilities, 433 patients are in isolation wards, 92 patients are in second-tier isolation wards and 473 patients are in the North Lantau Hospital Hong Kong Infection Control Centre, of which 133 in total are new patients. There are six newly reported critical patients and eight newly reported serious patients. There are a total of 20 patients in critical condition and 24 are in serious condition, of which six critical patients are receiving intensive care. Moreover, there are 163 patients who have recovered, including 146 patients who have been discharged. In addition, four patients who passed away in public hospitals were reported.

In the fifth wave of the epidemic, there are 56 058 patients who have recovered so far, including 55 808 patients who have been discharged. And since early 2020, there are 68 438 patients who have recovered, including 68 188 patients who have been discharged.

The Hospital Authority will maintain close contact with the Centre for Health Protection to monitor the latest developments and to inform the public and healthcare workers on the latest information in a timely manner.

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## [Speech by SJ at opening ceremony of Prosecution Week 2022 \(English only\) \(with photo\)](#)

Following is the speech by the Secretary for Justice, Mr Paul Lam, SC, at the opening ceremony of Prosecution Week 2022 today (August 3):

Chairman of the Bar (Chairman of the Hong Kong Bar Association, Mr Victor Dawes, SC), President of the Law Society (President of the Law Society of Hong Kong, Mr Chan Chak-ming), government colleagues, distinguished guests, ladies and gentlemen,

It is my great pleasure to welcome all of you today for the opening of the Prosecution Week 2022 organised by the Prosecutions Division of the Department of Justice.

The Prosecution Week was launched for the first time in 2012 and this year marks its 10th anniversary. I still remember back in 2017, I was sitting in Mr Dawes' chair and speaking as the Chairman of the Hong Kong Bar. Life is so unpredictable.

President Xi said on July 1, 2022, that we must maintain Hong Kong's distinctive advantages, one of which is the common law system. The obvious reason is that the rule of law in Hong Kong, being one of its most important bedrocks of success, is based on our common law system. It is crucial to maintain the public's support, trust and confidence in our legal system. It would be very difficult, if not impossible, to earn such support, trust and confidence unless the general public has some basic understanding of how the criminal justice system works, including the role of the prosecutors and the basic principles under which the prosecutors perform their duties. It is for this reason that the Prosecutions Division has been organising the Prosecution Week. The theme chosen this year is "Administering Justice under the Rule of Law" (€Ç§èiÇá...-ç³©i¼Žá ...á@^æ³•æ²»ã€Œ).

Chapter III of the Basic Law is entitled "Fundamental Rights and duties of the Residents". Most people have focused their attention on Articles 24 to 41, which set out various individual rights and freedoms. But what must not be overlooked is Article 42 at the end of this chapter, which reads "Hong Kong residents and other persons in Hong Kong shall have the obligation to abide by the laws in force in the Hong Kong Special Administrative Region". The rule of law can only exist and prevail in a society where people are willing to, and in fact, obey the law. It follows that people who breach the law should be brought to justice.

For this reason, one of the important aspects of the rule of law in Hong Kong is the proper administration of criminal justice. The proper conduct of prosecutions lies at the heart of the proper administration of the criminal justice system. As acknowledged in the Introduction of our Prosecution Code, "(t)he community has a vested interest in the proper conduct of its prosecutions and in furthering the criminal justice imperative that the guilty are convicted and the innocent are acquitted."

As highlighted by my colleague Ms Yang (Director of Public Prosecutions (DPP), Ms Maggie Yang), Article 63 of the Basic Law stipulates that the Department of Justice shall control criminal prosecutions, free from any interference. This fundamental principle of prosecutorial independence was described by the Court of Appeal in a leading case *Re C (A Bankrupt) (Re C (A Bankrupt) [2006] 4 HKC 582 at 590)* as "a linchpin of the rule of law". I wish to take this opportunity to highlight two important points about this vital principle.

First, this principle applies to prosecutorial decisions in general, and is not confined merely to the decision whether any person should be prosecuted or any prosecution should be discontinued. For example, it applies to the choice of venue for trial such as whether it should take place before a judge in the District Court or a jury in the High Court. As decided by the Court of Appeal in *Tong Ying Kit case (Tong Ying Kit v Secretary for Justice [2021] 3 HKLRD 350)*, it also applies to the decision by the Secretary for

Justice to issue a non-jury trial certificate under Article 46(1) of the National Security Law, which provides that the Secretary for Justice may issue a certificate directing that the case shall be tried without a jury by a panel of three judges on prescribed grounds.

Second, the word "any" in the phrase "free from any interference" in Article 63 of the Basic Law must mean that prosecutorial decisions shall be free from any form of interference. It is well established that it includes judicial interference; and therefore, prosecutorial decisions are not amenable to conventional judicial review challenge, and the court will not and cannot intervene save perhaps in extremely rare and exceptional circumstances. In the light of the recent threats made by some foreign politicians to impose sanctions on me and some of my colleagues carrying out prosecutorial duties, I need to stress that freedom from any interference must include foreign interference. Prosecutorial independence is indeed a universal norm. The Guidelines on the Role of Prosecutors adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana, Cuba, in 1990 provides that "States shall ensure that prosecutors are able to perform their professional functions without intimidation, hindrance, harassment, improper interference..." For any foreign power which, on the one hand, proclaims that it upholds the rule of law and insists on a rule-based international order, yet on the other hand, seeks to resort to intimidations in an attempt to influence the conduct of prosecutions in another jurisdiction, with respect, there appears to be two possibilities only: first, that foreign power is hopelessly ignorant; alternatively and perhaps more likely, it is a shameless double-standard hypocrite.

As the Secretary for Justice, I would strive to ensure that all prosecutors can discharge their duties independently without fear.

Having said all these, I wish and need to emphasise and reassure the general public that prosecutorial decisions will be made strictly in accordance with the law, the evidence and the Prosecution Code. Let me say this very loud and clear: in Hong Kong, prosecutions are not persecutions, and prosecutions will never be persecutions. Prosecutors will abide by the fundamental principle that they "are to regard themselves as ministers of justice, and not to struggle for a conviction". Paragraph 10.66 of the Code of Conduct of the Hong Kong Bar provides that "It is not the duty of Prosecuting Counsel to obtain a conviction by all means at his command but rather to lay before the Court or the jury fairly and impartially the whole of the facts which comprise the case for the prosecution and to assist the Court on or, to see that the jury are properly instructed in, all matters of law applicable to the case".

Before I conclude, I wish to express my gratitude to my colleague Ms Yang, the DPP, and colleagues in the Prosecutions Division for their efforts and contributions, not only with regard to the organisation of the Prosecution Week programme, but also in respect of the work they have done in discharging their duties as public prosecutors. I have every confidence that the DPP and her team will continue to discharge their duties diligently and professionally.

I would also like to take this opportunity to express my thankfulness to all the participating schools, the Bar Association, the Law Society, our colleagues in other government departments, and various law enforcement agencies for coming to this ceremony today. Your continued support to the Prosecution Week over the years is very much appreciated.

Last but not the least, I congratulate the winners of the "Justice Cup" and the Logo Design Competition. I am impressed that at such a young age, you have demonstrated an abundance of knowledge in criminal law and also creativity in illustrating the spirit of rule of law artistically.

On this note, I now formally declare the commencement of the Prosecution Week 2022.

Thank you very much.



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## [CHP investigates locally acquired SARS-CoV-2 virus cases with 1 711 cases tested positive by nucleic acid tests and 2 610 cases by RATs verified as well as 226 imported cases](#)

The Centre for Health Protection (CHP) of the Department of Health (DH) today (August 3) announced the latest epidemic situation of COVID-19. As of 0.00am, August 3, the CHP was investigating 4 321 additional locally acquired cases tested positive for the SARS-CoV-2 virus, including 1 711 cases tested positive by nucleic acid tests (614 confirmed cases, 764 asymptomatic cases and 333 cases with pending case status) and 2 610 cases tested positive by rapid antigen tests (RATs) verified in the past 24 hours.

Separately, 226 additional imported cases were reported, including 205 cases tested positive by nucleic acid tests (four confirmed cases, 131

asymptomatic cases and 70 cases with pending case status) and 21 cases tested positive by RATs.

Hong Kong has recorded a total of 825 717 and 541 201 cases that have tested positive by nucleic acid tests and RATs respectively for the SARS-CoV-2 virus so far.

The CHP is continuing with epidemiological investigations on the cases. Please refer to the "COVID-19 Thematic Website" ([www.coronavirus.gov.hk](http://www.coronavirus.gov.hk)) for more information.

As of yesterday (August 2), among the specimens received by the DH's Public Health Laboratory Services Branch in the past seven days for verification testing of local cases, about 6.1 per cent and 5.3 per cent of them are related to sub-lineages BA.2.12.1 and BA.4/BA.5 (including suspected cases) under the Omicron mutant strain respectively.

In addition, as of 0.00am, August 3, a total of 9 311 death cases that had tested positive for the SARS-CoV-2 virus during the fifth wave (since December 31, 2021) were recorded, with 9 231 and 77 deaths reported from the Hospital Authority and public mortuaries respectively as well as three deaths reported from the Chinese University of Hong Kong Medical Centre. Hong Kong has so far recorded a total of 9 524 death cases that have tested positive for the SARS-CoV-2 virus.

Furthermore, among the earlier cases by nucleic acid tests reported, there were cases (including pending cases) changed to confirmed, asymptomatic or re-positive cases. As at yesterday, the total number of confirmed cases was 357 291, while the figures for asymptomatic cases, re-positive cases and pending/unknown cases recorded since January 1 were 231 687, 31 and 234 792 respectively.

The spokesman for the CHP stressed that as the local situation of COVID-19 infection is still severe, the CHP strongly appeals to the community to continue to comply with social distancing measures, avoid going out and refrain from participating in unnecessary or crowded activities or gatherings. This would lower the risk of infection and prevent the virus from spreading in the community.

â€‹The spokesman reminded that COVID-19 vaccines are highly effective in preventing severe cases and deaths from the SARS-CoV-2 virus. They can provide effective protection to those vaccinated in preventing serious complications and even death after infection. People who have yet to receive vaccination, especially senior citizens, chronic patients and other immunocompromised persons who face a higher chance of death after COVID-19 infection, should get vaccinated as early as possible for self-protection and to reduce the risk of falling seriously ill and death should they get infected.

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# Prosecution Week launched to promote public awareness of criminal justice system (with photos)

Prosecution Week 2022 began today (August 3) with the objective of promoting community awareness of the rule of law and the criminal justice system in Hong Kong under the theme "Administering Justice under the Rule of Law".

Speaking at the event's opening ceremony, the Secretary for Justice, Mr Paul Lam, SC, said that all prosecutorial decisions made by the Department of Justice (DoJ) are based on the law, the evidence and the Prosecution Code. Prosecutors do not consider and would not be influenced by irrelevant considerations such as political or individual interests; possible media or public reaction and personal feelings or beliefs of the prosecutors.

Also speaking at the ceremony, the Director of Public Prosecutions, Ms Maggie Yang, stressed the importance of prosecutorial independence and pointed out that Article 63 of the Basic Law stipulated that the DoJ shall control criminal prosecutions free from any interference. She said that the DoJ's prosecutors will continue to fearlessly pursue public justice and uphold the rule of law.

During the period from August 4 to 10, a host of activities including visits to the courts, briefings and mock court exercises will be arranged to enhance public understanding of criminal prosecution work.

A law quiz and logo design competition for Prosecution Week were also organised. The prize presentation for both activities was held at today's ceremony.



# Expert Committee on Clinical Events Assessment Following COVID-19 Immunisation assesses serious adverse events relating to COVID-19 vaccination

The Expert Committee on Clinical Events Assessment Following COVID-19 Immunisation, set up under the Department of Health (DH) to provide independent assessment on the potential causal link between Adverse Events Following Immunisation (AEFIs) and COVID-19 vaccination in Hong Kong, convened a meeting today (August 3) to assess serious adverse events relating to COVID-19 vaccination.

According to the World Health Organization, an AEFI is any medical occurrence that follows immunisation and that does not necessarily have a causal relationship with the usage of the vaccine. The DH has put in place a pharmacovigilance system for COVID-19 immunisation, and is partnering with the University of Hong Kong to conduct an active surveillance programme for Adverse Events of Special Interest (AESI) under the COVID-19 Vaccines Adverse Events Response and Evaluation Programme (CARE Programme). The main purpose of the pharmacovigilance system is to detect potential signals of possible side effects of the vaccines.

As of July 31, a total of 822 152 cases had tested positive for the SARS-CoV-2 virus by nucleic acid tests and 536 096 positive cases through rapid antigen tests in Hong Kong, of which 9 509 died. Separately, about 18.08 million doses of COVID-19 vaccines had been administered for members of the public in Hong Kong. Around 6.77 million people had received at least one vaccine dose. In the same period, the DH received 7 816 reports of adverse events (0.04 per cent of total vaccine doses administered), including 119 death cases with vaccination within 14 days before they passed away (0.0007 per cent of total vaccine doses administered).

So far, the Expert Committee has assessed these 119 death cases and concluded that 97 death cases had no causal relationship with vaccination, one case of which causal relationship with vaccination could not be established, preliminarily considered that 11 cases were not associated with vaccination, and 10 cases are pending further information for assessment. The Expert Committee considered there is no unusual pattern identified so far, and it will continue to closely monitor the situation and collect data for assessment.

According to the local mortality data, among people aged 30 or above, there were 3 856 deaths (i.e. 70.5 per 100 000 population) and 6 546 deaths (i.e. 119.6 per 100 000 population) due to ischaemic heart diseases and heart

disease respectively in 2020. In addition, according to information from the Hospital Authority, during the period from July 4 to 31 of 2022, the overall ratio of death cases was 44.6 cases for every 100 000 people, whereas the average ratio of death cases for the same period in 2018 to 2020 was 42.4 cases for every 100 000 people. Based on the above figures, there is no evidence that vaccination increases the risk of death for recipients.

The Expert Committee has also reviewed available clinical data and information for conducting causality assessment of other serious or unexpected AEFIs and AESIs. The results will be included in the updated safety monitoring report (as at July 31) to be published at the Government's designated website on August 5. In addition, information related to AEFIs of COVID-19 vaccines and relevant statistics will also be released in the weekly "Update on monitoring COVID-19 vaccination" press release and the Government's designated website regularly.