

Chief Executive regrets resignation of two UK Non-Permanent Judges of Court of Final Appeal

The Chief Executive of the Hong Kong Special Administrative Region (HKSAR), Mrs Carrie Lam, today (March 30) expressed regret and disappointment at the resignations of Lord Reed of Allermuir and Lord Hodge as Non-Permanent Judges (NPJ) of the Court of Final Appeal (CFA) of the HKSAR. The HKSAR Government also noted with deep regret that the UK Government has decided to withdraw from the agreement reached in 1997 between the then Chief Justice the Honourable Andrew Li and the then Lord Chancellor of the United Kingdom.

"Since the Reunification, the HKSAR prides itself on the rule of law and the HKSAR Government acts in strict accordance with the law. These virtues are the cornerstone of Hong Kong's continued success and are enshrined in relevant provisions in the Basic Law, underpinned by an independent judiciary which exercises judicial powers, including that of final adjudication, free from any interference. We appreciate fully the valuable contribution of judges from other common law jurisdictions sitting on the CFA for the past 25 years, including serving UK judges appointed by the Chief Executive of the HKSAR pursuant to the above mentioned agreement," said Mrs Lam.

"We have no choice but acquiesced in the two eminent judges' decision to resign from the CFA following the UK Government's decision to discontinue an agreement that has been respected and has served both the Hong Kong and UK interests well for years, but we must vehemently refute any unfounded allegations that the judges' resignations have anything to do with the introduction of the Hong Kong National Security Law (NSL) or the exercise of freedom of speech and political freedom in Hong Kong," Mrs Lam added.

Hong Kong is a society governed by the rule of law; laws must be observed and lawbreakers held to account. No one person or institution is above the law. Article 25 of the Basic Law clearly states that everyone, regardless of their status, professions and political beliefs, shall be equal before the law. The courts of the HKSAR adjudicate in accordance with the laws applicable in the Region as prescribed in Article 18 of the Basic Law. Enacted by the National People's Congress Standing Committee of the People's Republic of China and listed in Annex III to the Basic Law under Article 18, the NSL has helped to restore law and order in Hong Kong after a spate of unprecedented riots and safeguarded the rights and freedoms enjoyed by the people of Hong Kong. The Hong Kong courts have been adjudicating on NSL cases in the same impartial manner, free from any interference.

"We could not accept any unfounded accusations against the implementation of the NSL in Hong Kong. It is appalling to see that some overseas politicians have deliberately vilified it by applying double standards on matters concerning national security and making baseless

allegations against the situation in Hong Kong," a HKSAR Government spokesman said.

In respect of rights and freedoms, including the freedom of speech, of the press, of association, etc, and the right to vote and stand for election, these are likewise protected by the Basic Law, and other local legislation, but they also need to be exercised in accordance with the law.

"The Hong Kong Bill of Rights Ordinance stipulates that the exercise of the right to free speech carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, and these shall only be such as are provided by law and are necessary – (a) for respect of the rights or reputations of others; or (b) for the protection of national security or of public order, or of public health or morals."

"We could find no substantiation or evidence to justify sweeping statements accusing the Hong Kong administration of departing from the above fundamental rights and freedoms enjoyed by the people of Hong Kong that could have led to the judges' resignations. We would be extremely disturbed if important decisions were made on the basis of perceptions or politicians' biased assessment, or worse still, undue political pressure," said the HKSAR Government spokesman.

The HKSAR Government wishes to reiterate its firm commitment to upholding judicial independence in Hong Kong as it has done unwaveringly over the past 25 years. The Chief Executive of the HKSAR will continue to exercise her power to appoint judges, including overseas judges from other common law jurisdictions, on the recommendation of the statutory Judicial Officers Recommendation Commission chaired by the Chief Justice.

"Our judges manifest the highest professional and judicial quality as well as impartiality through the reasoned judgments they deliver, demonstrating to all objective and fair-minded observers that first, due administration of criminal justice system remains in compliance with human rights protection and principles of the rule of law, and secondly, judges have all along been handling cases strictly in accordance with admissible evidence and applicable laws, observing due process," said the HKSAR Government spokesman.