

HKSAR Government strongly condemns Chris Patten's malicious slandering of Court Final Appeal's judgment and exerting political pressure on judges

The Government of the Hong Kong Special Administrative Region (HKSAR) today (August 14) strongly condemned and vehemently opposed Chris Patten's malicious slandering against the judgment of the Court of Final Appeal (CFA) in the case of Lai Chee Ying and others participating in an unauthorised assembly, and his wanton personal vilifications against Lord Neuberger of Abbotsbury, an overseas Non-Permanent Judge (NPJ) involved in the adjudication of the relevant appeal.

The HKSAR Government spokesperson said, "Patten's slandering remarks were made in blatant disregard of the detailed legal analysis by the CFA in its 76-page judgment and the factual background of the relevant case. Such remarks were made for the sole purpose of exerting political pressure on the judges of the CFA who adjudicated the case independently in strict accordance with the law, in an attempt to influence the judicial system of the HKSAR, and were nothing but a despicable political manoeuvre.

"Patten's criticisms against Lord Neuberger NPJ who handled the relevant case were completely groundless and unjustified personal attacks aiming to smear and slander the NPJ's reputation, which fully exposed Patten's malicious attempt to undermine the system of NPJ. As a matter of fact, all the judges of the case (including the NPJ) have made very detailed legal analysis and explanations on the rulings in their judgments, such as providing authoritative expositions and modifications to the legal concept of 'operational proportionality', placing it in the well-established framework for constitutional challenges in this jurisdiction, as well as explaining clearly why, from the jurisprudential point of view, the two United Kingdom (UK) case authorities should not be followed by Hong Kong courts. Lord Neuberger NPJ not only delivered a separate judgment which clearly explained his reasons for agreeing with the joint judgment delivered by the Mr Justice Cheung, the Chief Justice of the CFA, and Mr Justice Ribeiro, Permanent Judge of the CFA, but also presented his observations on Ziegler, Abortion Services and in other UK case authorities. The NPJ observed that while the differences in the constitutional framework in Hong Kong and the UK do require a different approach if the court concludes that the restriction is not proportionate, they do not mandate a different approach when it comes to considering whether a restriction on the freedom of assembly is proportionate. The relevant legal perspectives bear great significance to the development of the constitutional jurisprudence in the HKSAR.

"Hong Kong is a society underpinned by the robust rule of law, where citizens enjoy the freedom of speech. Everyone has the right to express his or her views on court decisions within the boundaries permitted by the law,

but no one can abusively criticise or slander judges, or make baseless allegations purely out of political motives. Patten deliberately ignored the judgment delivered by Lord Neuberger and maliciously accused the judge of not properly explaining the reasons for his judgment. Such an act was totally unfounded and outrageous. The HKSAR Government strongly condemns Patten's blatantly improper words and deeds."