

# Transcript of remarks by CE at media session before ExCo meeting (with video)

Following is the transcript of remarks by the Chief Executive, Mrs Carrie Lam, at a media session before the Executive Council meeting today (October 6):

Reporter: Morning, Mrs Lam. The first question is on the appointment of Judge Hodge to the Court of Final Appeal. Was the appointment of Judge Hodge prompted by the resignation of Justice James Spigelman and would his appointment amend the damage done by the national security law on Hong Kong's reputation internationally? Secondly, I have a question on the deregistration of the teacher that you mentioned. So where is the line drawn between spreading "independence" in the classroom and academic discussion? And how does a worksheet to primary students endanger national security? And how do you respond to critics that say that Hong Kong's education system is approaching that of the Mainland where sensitive topics cannot be discussed? And my third question is on the report from the Apple Daily on the Government Flying Service being at the night and the location of the 12 Hongkongers that left for, reportedly to Taiwan from Sai Kung. So would the Government provide details of the operation to allay the perception that the Government somehow knew of the 12 Hongkongers leaving Hong Kong for Taiwan and whether that will show that the Government was somehow involved in informing Mainland authorities to intercept the speedboat? Thank you.

Chief Executive: There are three different questions. First of all, as I said in my press release yesterday, I am delighted to receive the recommendations from the Judicial Officers Recommendation Commission about the appointment of the Right Honourable Lord Patrick Hodge to the Court of Final Appeal as a non-permanent judge from another common law jurisdiction. This is an indication of Hong Kong's judicial independence that has continued to attract or appeal to very eminent judges all over the world in common law jurisdictions to come and sit on our Court of Final Appeal.

You asked specifically whether this appointment was prompted by the earlier resignation of Justice Spigelman. My answer is 'no' because appointment of CFA judges has a process and that process is unlikely to take place within such a short period of time. The process involves consultations by the Chief Justice and then presented to an independent Judicial Officers Recommendation Commission, or what we called "JORC" in brief. The JORC will consider the proposal and they will make a submission to me, and then I will consider and accept the recommendation and the Government will do other follow-up things before we are in a position to write to the House Committee to notify them that there will be an appointment coming, which according to the Basic Law, has to receive the endorsement of the Legislative Council. There's definitely no linkage between the two cases.

I should just add that, I have said so many times, that the design of allowing us to invite the overseas judges from other common law jurisdictions to sit on the Court of Final Appeal in the Basic Law is a very important feature to demonstrate and to safeguard judicial independence in Hong Kong. Since I took office in July 2017, I have that pleasure to appoint a total of four such judges. Out of the 14 non-permanent judges from other common law jurisdictions now on the CFA, four were appointed in this term of Government including, for the first time, two very distinguished lady judges from the UK and from Canada.

About the second issue of the action taken by the Secretary for Education, or to be more exact, by the Permanent Secretary for Education under the Education Ordinance to deregister a teacher, for the details of the case, you have to await a press conference to be hosted by the Secretary for Education and his Permanent Secretary later this afternoon. I can assure you that we, like many professionals in the education sector, want to promote and develop quality education in Hong Kong. But if there are very tiny fraction of teachers who are using their teaching responsibilities to convey wrong messages to promote misunderstanding about the nation, to smear the country and the Hong Kong SAR Government without a basis, then that becomes a very serious matter. The action taken by the Secretary for Education is based on those premises. As I said, you can ask the Secretary for Education about the details of the case because you mentioned about worksheet and about just discussing topics. I think after a very thorough investigation by the Education Bureau, they are not just talking about these very simple things before they could substantiate the invoking of the Ordinance to do this act, that is deregistration. I have to emphasise again that deregistering a teacher is a very serious penalty under the Education Ordinance and it has only been used once according to records, and that is this time, on grounds other than criminal and sexual offences. This shows the severity of the case. I have heard some education organisations saying that they may assist the teacher to appeal, so whether we could go into a lot of details, I don't know but again I will defer to the Secretary for Education to answer your other queries this afternoon.

As far as the 12 suspected criminals who have been detained in the Mainland, I have time and again on this occasion pointed out the nature of this case. The nature of this case is there are 12 Hong Kong people who are suspected to have committed crimes in Hong Kong, and rather serious crimes: possession and making of explosives, arson and attacks on policemen. These are very serious crimes and they should stay in Hong Kong and face the legal liabilities in a system which we have judicial independence. But instead they have chosen to flee, and in the course of fleeing, they entered another jurisdiction and have committed a crime of illegally entering another place. So they have to face the legal consequences in that jurisdiction. It is as simple and straightforward as that. Unfortunately, again I believe it's a tiny fraction of people who have not given up any opportunity to smear the Hong Kong Government, to attack the Police, to fabricate this and that and so on. I will not comment on the actual operational details except to reinforce what the Police has said, that the Police has absolutely no role to play in

this particular case and the detention and the subsequent investigation, and perhaps likely soon will be the prosecution in accordance with the laws of the People's Republic of China. I hope that people will see to themselves that there are a lot of misrepresentations and accusations that have been going on in Hong Kong for a while. It's not just about this case, but for a while. I hope that the people of Hong Kong will be able to see the truth for themselves because that is the only basis for us as a community to move on. If we continue to labour on these misrepresentations and wrong news and so on, it is very unhealthy for the Hong Kong society.

(Please also refer to the Chinese portion of the transcript.)