

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

Following is the transcript of remarks by the Chief Executive, Mr John Lee, at a media session before the Executive Council meeting today (June 11):

Reporter: Good morning Mr Lee. Just to follow up on your question on Lord Sumption's comment. In particular, he and Lord Collins in 2012 said that continued participation would be in the interest of the people in Hong Kong. Besides the reasons you just mentioned, you cited Lord Collins as saying Hong Kong's political situation as part of the reason of his resignation. So what has changed in the two years? Do the three foreign judges' resignations pose a challenge to Hong Kong in its recruitment of foreign overseas judges to sit on the Court of Final Appeal? Does this undermine confidence in Hong Kong's common law system? The second question to follow up on the conflict between the University of Hong Kong's Council and its Vice-Chancellor Zhang Xiang, has this saga already impacted the reputation of University of Hong Kong and how does the Government plan to mitigate the situation? Thank you.

Chief Executive: Well, Hong Kong has become safer, more stable, and that will help business to make good decision because of the certainty and the security that Hong Kong is now enjoying. The Hong Kong Government has issued a very long and detailed statement to indicate our disagreement with Lord Sumption's article. What I would like to add is judges' professional expertise is on law, based on his legal knowledge and experience. Judges' professional expertise is not on politics. A judge is entitled to his personal political preferences. But that is not a judge's area of professional expertise. A judge can like a particular system or dislike it. He may also like a particular law or not, but his professional duty is to interpret and apply that particular piece of law in accordance with legal principles and evidence, whether he likes that law or not; not from his political stance.

In 2021, Lord Sumption refused to take part in a political boycott orchestrated in the UK (United Kingdom), and he said then, that people should not confuse rule of law with democracy. He said there was no democracy during the British rule in Hong Kong. But he said the rule of law was maintained at that time by judges deciding on cases according to the law and evidence. Democracy and rule of law should not be confused. His latest statement indicates that he does not like the political situation in Hong Kong. But this is exactly the area he has told us in 2021 that should not be confused with the rule of law. His recent statement looks to me to be contradictory to his previous stance in this regard. Indeed, people who try to damage the rule of law in Hong Kong, are among those in the UK, in the UK Government, the UK politicians and some anti-China, anti-Hong Kong media. They openly threatened to impose sanction on judges before, during and after the trials. These are blatant attempts to attack the rule of law in Hong Kong. The Hong Kong Special Administrative Region Government has never, and will not, interfere or attempt to interfere, with judges' conduct of trial. We have not done it

and we will not do it. Non-interference of the judicial process is the DNA of Hong Kong's rule of law.

There were three judges who have indicated their wishes to leave. Other than Lord Sumption, Judge Collins resigned but he said he continues to have the fullest confidence in the Court and the total independence of its members. Judge McLachlin has said that she will retire from the job because of her age when her term expires. Yet she expressed her confidence in the members of the Court, their independence and their determination to uphold the rule of law.

This is a time when I feel so proud of our judges. They do their job professionally, according to their judicial oath, without fear and will uphold justice using their legal knowledge and experience, and adjudicate cases based on evidence and legal principles. They have been standing up to threats and despicable interferences from overseas that try to pressure them. I respect each and every one of them for their courage and their determination to uphold the rule of law in Hong Kong. Some UK officials and politicians try to weaponise the UK judicial influence to target China and the Hong Kong SAR. We should not allow it to happen. We shall protect judges all round from these undue interferences. Our judges need to be supported by all of us for their courage, their determination for upholding the rule of law at a time of open interferences from a number of countries using threats and different kinds of pressure. It is sad and disappointing that our judges are abandoned by a few of their overseas counterparts and have been so unfairly treated by somebody with whom our judges used to serve our judicial system together. But the whole of Hong Kong will support them. We shall support without reservation our courageous, upright and professional judges of Hong Kong, for upholding the rule of law.

Regarding your second question about the University of Hong Kong (HKU), I have to make a clear point that first of all, HKU does not belong to any single person. It does not belong to the Vice-Chancellor. It does not belong to any individual of its Council. HKU belongs to all Hong Kong people. Hong Kong people love it. Students love it. The teaching staff love it. A lot of overseas scholars, youths love it. In all matters, we must take the interest of HKU as the overriding principle. Universities need to seek continuous improvement. If HKU has problems with administration, then it should be improved. If there are important vacancies that have been left long vacant, then they have to be filled up. If there are procedures that are unclear, then we need to write out clearer procedures. If there are issues with the finances, then we have to ensure that there will be clear accountability and responsibility. The Government makes provisions to help universities to go about their businesses. In terms of every year, the provision of public money is over billion dollars. Public money must be spent with good value. The governance of a university, and also the administration, have to be compatible and to conform with the requirements of the agreement that is signed when this provision of money is given. There is a responsibility for the university to fulfil those obligations.

I have met the Vice-Chancellor and also the Chairman of the Council. I

tried to co-ordinate their communication and I have also reminded them that good communication and co-operation are important, and for the government provision of public money for universities to go about their business, the government has standards and demands. I also reminded them to take the interest of the university as the overriding principle in all their business. I have already asked the Education Bureau to understand this matter. They will report to me today. I will be meeting them again to listen to the most updated report. I shall then make my decision and it will be announced. Thank you very much.

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