

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

Following is the transcript of remarks by the Chief Executive, Mrs Carrie Lam, at a media session this morning (June 11):

Reporter: Mrs Lam, because people are saying that they are only going on strike or boycotting class, they are not taking any violent actions. So what do you think of the possible impact? Are you worried about that? And what do you make out of the fact that people have to take these actions simply because the Government is refusing to listen to their calls? And in regard to the extra safeguards not being written into the law, what happen if other jurisdictions simply violate these so-called promises? Would the Government do anything or maybe like stop extraditing to these jurisdictions in the future? And at this point, do you think your Government still has credibility or the trust of the people?

Chief Executive: First of all, I would not agree that we have not listened. As I said repeatedly over this exercise, we have been listening attentively to views expressed to us or in the public domain, and that's why when we started off to do this exercise based on over 20 years of experience of implementing the Fugitive Offenders Ordinance (FOO), we felt and it was also reaffirmed to us by some of our counterparties that the FOO contains sufficient procedural and legal safeguards to deal with request for extradition. But because we have listened so attentively, we decided that we need to make further amendments to the proposals, so we have introduced two sets of amendments – one before the introduction of the bill and one after the introduction of the bill, especially for the six measures introduced after the presentation of the bill which I have just elaborated.

The one concerning human rights safeguards is a very important one because if you understand the process of dealing with this extradition or surrender of fugitive offenders request from a requesting party, the first step requires the Chief Executive to trigger the process by giving a certificate. What we are now saying is that before the Chief Executive triggers that process, that is to accept the requesting party's request to surrender the fugitive offender, we will require the requesting party to undertake to guarantee a long list of human rights protections, and these human rights protections resemble very closely the international standards and the guarantees under the ICCPR (International Covenant on Civil and Political Rights). This is a very practical package that has struck the necessary balance between the protection of human rights, the allaying of public anxieties and concerns, and also the objective which I need not repeat – it is a very important objective to deal with such offenders to avoid Hong Kong becoming a haven for fugitives and also to discharge our international obligation.

You asked if any of these guarantees are not met, what would happen.

First of all, I want to draw your attention to the letter from the Secretary for Security to the LegCo President. Apart from these human rights safeguards, there is an additional measure which elaborates that the final authority to surrender or not to surrender rests with the Chief Executive. In other words, when the court agrees to surrender, then the Chief Executive could still be the gatekeeper of deciding not to surrender a fugitive offender taking into account several factors – the changing circumstances, the humanitarian grounds and so on. That is the moment that the Chief Executive could still re-examine the whole case and the changing circumstances to decide. But the important thing is, if the court decides not to surrender, even the Chief Executive could not overrule the court. To say that because somebody wants this offender and I will surrender – that is not possible, because if that's possible, that means that the Chief Executive is above the law or totally disregarding the law, and that is something no Chief Executive could do in a highly civilised, rule of law society like Hong Kong. Thank you very much.

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