

Transcript of remarks by Secretary for Justice at media session

Following is the transcript of remarks by the Secretary for Justice, Ms Teresa Cheng, SC, at a media session after attending the Legislative Council Panel on Administration of Justice and Legal Services meeting today (April 27):

Reporter: Secretary, the only part of the Basic Law that is relevant to the Liaison Office (Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region) is Article 22. When you say that the Liaison Office needs to obey the Basic Law and Hong Kong laws, what do you actually mean? It is not bound by Article 22? Second question, the Police yesterday said that as long as people gather for a common purpose in a public place, their distance apart does not really matter, and people will still be violating the gathering limit ban. Is that the correct understanding of the gathering limit ban? Are authorities misusing this to crackdown on protests or people's freedoms?

Secretary for Justice: On your first question, I think you started off entirely on a misplaced ground, and therefore your question is misplaced. So let me correct that. You suggested that the only relevant provision is Article 22, and that is not correct because when one looks at Article 22 of the Basic Law, one looks at the ministries that are under the Central People's Government. The Central People's Government as defined in the Constitution Law is actually the State Council, and therefore when one looks at the whole thing about the Constitution Law, Article 5 of the Constitution Law states unequivocally that every body that is set up will have to comply with the relevant laws and the Constitution Law. In other words, the Liaison Office will have to obey and comply with the laws in Hong Kong. As to your second question?

Reporter: What laws in Hong Kong for example?

Secretary for Justice: The laws in Hong Kong, it is going to be very long, I do not want to keep you here. Everything in Hong Kong, I mean, you know what are the laws in Hong Kong. Not just the laws in Hong Kong, but also the Constitution Law as well.

Insofar as your second question is concerned, you were talking about the Cap. 599G regulation. Generally, insofar as the public gathering idea is concerned, it means that people gather together for a common purpose and whether that is met will depend on a number of circumstances of a particular case. For example, whether they were so organised; whether they were discussing and proceeding in an interactive and connected way; whether they were just there temporarily or momentarily. And all these are really depending on the facts of each case. So for example, again generally, if people are purely lining up for a bus, getting into an elevator for instance, that would not be something in contravention with the Cap. 599G regulation.

Your tag-on question also suggested that whether the enforcement is to clamp any freedoms in Hong Kong. I emphasise again, the Government respects and protects the freedom that are set out in our laws, Basic Law and the Hong Kong Bill of Rights Ordinance. However, these freedoms are not absolute. Insofar as they violate the laws, then of course appropriate actions will have to be taken. Cap. 599G is enforced under Cap. 599 as a matter of the public health emergency situation that is facing Hong Kong at the moment. It is promulgated to encourage social distancing. It is not with any other motive except for the safety and health of the people in Hong Kong. So I hope that you will all comply with it in spirit and in form, so that you will not gather and thereby extending Hong Kong's position in this public health emergency situation. That is the only way by which we can get back to normal life as soon as possible.

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