

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 meeting today (December 16):

Reporter: Do you think that clearing bias claim of the Magistrate yesterday could enhance public confidence towards the judicial system?

Secretary for Justice: Judicial independence is the cornerstone of our society. It is a very important pillar of the rule of law. Therefore, by safeguarding judicial independence, it is not just the duty of any particular lawyer, but a duty of every single law-abiding citizen. The complaints that are made against the Magistrate have been dealt with by the Judiciary, and I believe they have explained clearly with the relevant evidence placed before the public why those complaints are dismissed. With that, I hope that the public as well as the local and international media will be able to appreciate that we do cherish and safeguard our esteemed judicial independence.

Reporter: The Department of Justice is always refraining from commenting on ongoing proceedings, but we have seen recently a more outspoken approach from the department. Are you worried that this may give the perception that the Department of Justice may be holding a certain view before it approaches a matter?

Secretary for Justice: That question seems to conflate a number of things. When a case is ongoing, it is a matter of basic important principles that people do not discuss about the case in the media when facts are only partially known. That is why we have a judicial system, and that is why the Department of Justice and indeed the other side should never comment on the case because of this principle of sub judice. One has to respect that the proceedings have to be continued. The Department of Justice has been, and I use the word "outspoken" as suggested by you, but the Department of Justice has a duty to come out and put the facts right when things are misrepresented either by the relevant media or misstated by the person who is making those statements. It is our duty to make sure that the facts are put right. We have been extremely cautious that we never comment on a particular case. Every time as you will gather, some of you may not particularly like the way I keep saying it, I cannot comment on the case but I will give you the general principles. What the Department of Justice and sometimes through myself as the Secretary for Justice have said on the general principles are perpetual truths, they are always correct. It is important that the general public hear them so that they can understand how they should be respecting the rule of law and joining hands with the Government as well as the legal profession to safeguard the rule of law.

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