

# 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 Panel on Administration of Justice and Legal Services meeting at the Legislative Council today (June 24):

Reporter: If the Government is not going to look at the amendment again, why are you insisting not to scrap the law completely? And why are you leaving the alleged police violence to the complaint mechanism? Why are the police immune to criminal investigation? And can you meet protesters' demand not to prosecute those people arrested?

Secretary for Justice: First question, the Government has literally stopped the legislative process that is before the Legislative Council in relation to the amendments of the Fugitive Offenders Ordinance and Mutual Legal Assistance in Criminal Matters Ordinance. There is no specific timetable. There is no chance that the Government will out of the blue suddenly reactivate the whole process, and we all know that next year, by July, the term of the Legislative Council is coming to an end. If for whatever reason the bill lapses, the Government will accept that and continue to do the best with the rest of the work.

The second question relates to the prosecution angle, and I think the fourth as well, and I can put it together in this way. There is no decision one way or another as to whether the persons involved on a particular day is or is not to be prosecuted, there simply is no decision. There is no presumption that people should make as to whether any prosecution will or will not be done, because when the Department of Justice decides whether or not to prosecute, to make the prosecutorial decisions, we look at the relevant law, admissible evidence, the Prosecution Code, and decide whether a reasonable prospect of conviction could be reached, and of course to consider whether in the public interest, the particular individual in the particular case should or should not be prosecuted. So, it is a matter of objective and evidential based, rather than just by who calling what in the name. That is very important.

In your third question, you seem to suggest, and that is why I think the premise is important, that there is a favour one way or another between the police or the protesters. It is very important to bear in mind that we are a society, the core value of which is that of the rule of law. Everybody is equal before the law, be they the protesters or the police. However, there are of course a number of concerns that have been raised as to how certain complaints are to be dealt with. The Government has heard these concerns, and I would suggest that one very good way to start considering how to deal with it is to use the existing mechanism in order to consider the relevant complaints and from there to decide what to do.

Reporter: The Panel on Administration of Justice and Legal Services has just now passed a non-binding motion, how do you prepare to respond to the demands passed, or are you still standing firm on your stance over the need to change the P00 (Public Order Ordinance), and do you regard this as a silent protest from the pro-establishment camp because of this outstanding extradition bill, there is a irreconcilable differences and damage caused within the pro-establishment camp and the Government?

Secretary for Justice: Your first question has a premise which has not been established, that is you said I stand firm on something. I have not stood firm on the particular matter you talked about, so please put that into perspective. Therefore, in answer to your question, which is the first part, and that is, what is my response to the non-binding motion? We respect the Legislative Council's wishes, and it is very useful to hear their views in forums like just now in the Panel on Administration of Justice and Legal Services, and we will consider what is to be done about the particular ordinance, and whether it should be dealt with by the Law Reform Commission of Hong Kong or otherwise.

As to the second area, I think you are talking about the working relation with the pro-establishment camp, again it has a premise which I am not sure how I can react to, because I think the pro-establishment camp has expressed their views, and we are grateful for their understanding and support in the past years, and in the recent situation. They are perfectly entitled to react in a way that they think appropriate, and I think this is a very important matter of the Legislative Council and the executive, that is the Government, working together for the betterment of Hong Kong.

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