

Transcript of remarks by SJ and S for S at media session

Following is the transcript of remarks by the Secretary for Justice, Ms Teresa Cheng, SC, and the Secretary for Security, Mr John Lee, at a media session after attending the Legislative Council (LegCo) Panel on Security's special meeting today (May 31):

Reporter: Secretary for Justice, ExCo (Executive Council) rules make sure that you have to declare your interest for your spouse too. Are you unaware of that ExCo rule? Is your failure to declare the flats negligence, ignorance or simply deliberate omission? The second question to the Secretary for Security. Has the Government set the deadline for the LegCo to pass the bill on June 27? And why is the Government insisting not to write these extra safeguards into the law itself, and only make an administrative decision every time? Is this extradition made especially to cater for the Mainland legal system?

Secretary for Justice: I will answer the first question. I do not own the properties or have any beneficial interest in relation to those properties, and therefore the question of declaration of those interests doesn't arise.

Reporter: But it is also for your spouse, you also have to declare according to ExCo rules.

Secretary for Justice: I repeat, the properties that are under discussion at the moment, I do not own them, nor do I have any beneficial interest in them, and therefore the question of declaration does not arise.

Secretary for Security: I want to explain the policy intent of the bill and I wish if people really have time, I really sincerely hope that they go into the bill to look at what the bill is trying to do. Basically there are two things: to remove the geographical restrictions, so that we can deal with case-by-case arrangements with any jurisdictions around the world. That is the first policy intent. The second policy intent is to allow in case-by-case arrangements, the process to be started by a certificate issued by the Chief Executive, which is what other common law jurisdictions have been practising. The whole regime and the whole process of examining surrender matters by both the Government and the court remain the same otherwise. That means in the 22 years that the courts have been examining such cases. It will be doing such examination in exactly the same way, the same format, and the same system as it has happened in these 22 years. I believe that it is an effective system because it is not just gate-keeping by the Government, we actually have a case in court which is eventually thrown out where the defendant or the suspect was immediately released. We have been seeing all these cases to be operating smoothly.

The second thing about the bill itself, as I have explained, the policy intent is to make minimum change to the whole system. And if you look at the

drafting of the bill, you can see there is a provision which says in the case-by-case arrangements, we can put in provisions in the arrangement agreement itself, which then can put extra restrictions on the actual handing over of the surrendered person. That will be a document tendered to the court for examination, so it has effect for court to examine.

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