

Zero tolerance for serious illegal acts against judicial officer

In response to the criminal intimidation against a judicial officer, the Hong Kong Special Administrative Region (HKSAR) Government issued the following statement today (December 5):

Judicial independence, free from any interference, is guaranteed under Article 85 of the Basic Law and upheld by the HKSAR Government all along. A judicial officer in performing his judicial duties has received intimidation, threatening to hurt his family members, with an attempt to influence the court decisions. The HKSAR Government and any law-abiding jurisdiction will not tolerate such violent and illegal acts. Police are taking resolute enforcement action so as to apprehend the culprit as soon as possible and safeguard the city's public peace and safety.

In regard to the groundless accusations against court decisions from local and overseas communities lately, the Department of Justice (DoJ) strongly appeals to all members of the communities to stop attacking our judicial system by any means. These acts may breach the laws and the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (National Security Law). The National Security Law clearly stated that a person who organises, plans, commits or participates in any of the acts by force or threat of force or other unlawful means to seriously interfering in, disrupting, or undermining the performance of duties and functions in accordance with the law by the body of power of the HKSAR shall be guilty of an offence. No one should defy the law.

The DoJ has all along been safeguarding the due administration of justice and upholding the rule of law. The Secretary for Justice as guardian of public interest applied to the Court for an ex parte injunction to restrain persons from unlawfully and wilfully conducting doxxing activities against Judicial Officers and their family members, or intimidating, harassing or threatening the same. The Court of First Instance of the High Court has granted an interim injunction to restrain persons from unlawfully and willfully conducting themselves in those acts. Any person who violates the interim injunction order may be held in contempt of court, and is liable to imprisonment or a fine. If any unlawful and willful doxxing activity is found, the DoJ will refer the case to the Police at once for enforcement action. A prosecution would be commenced if there is sufficient evidence. Offenders have to bear the legal responsibility.

Members of the public have the right to express their views or engage in discussions on court decisions and related matters within the boundary permitted by the law. However, one must respect the judicial independence when expressing their views, and should not arbitrarily attack members of the Judiciary.

The DoJ urges that any person who is dissatisfied with court decisions

may lodge appeals through the excising mechanism and should not criticise judicial officers abusively or even intimidate them. Otherwise, not only would the rule of law in Hong Kong be undermined, it is also against the law. The unlawful radical behaviour is not acceptable in our society. The HKSAR Government will follow up on all the illegal acts in accordance with the law to safeguard public peace in a steadfast manner, enabling all the bodies of power of the HKSAR to continue to perform their duties and functions in accordance with the law.