

## Missing man in Tsing Yi located

A man who went missing in Tsing Yi has been located.

Ho Kam-hung, aged 80, went missing after he was last seen at Tsing Yi Estate on January 11 afternoon. His family made a report to Police on the same day.

The man was located on Container Port Road South, Tsing Yi tonight (January 16). He was sent to Princess Margaret Hospital in conscious state for examination. No suspicious circumstances were detected.

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## SJ mourns Dr Patrick Yu

The Secretary for Justice, Ms Teresa Cheng, SC, today (January 16) was saddened by the passing of Dr Patrick Yu and would wish to convey her condolences to Dr Yu's family.

Ms Cheng said, "Dr Yu was one of Hong Kong's most distinguished, reputable and well-respected advocates. In 1951, he became the first Chinese person to be appointed Crown Counsel in Hong Kong. Starting his own practice in 1953, he had succeeded in establishing himself as the top criminal lawyer in the territory before his retirement in 1983. In addition to attaining an elevated and iconic status in the legal sector, Dr Yu had also made significant contributions to the establishment of the Faculty of Law of the University of Hong Kong, the first law school in Hong Kong."

Ms Cheng added that Dr Yu would be dearly missed by the legal sector and the society.

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## Tsing Yi Southwest Swimming Pool temporarily closed

Attention TV/radio announcers:

Please broadcast the following as soon as possible and repeat it at regular intervals:

Here is an item of interest to swimmers.

The Leisure and Cultural Services Department announced today (January 16) that Tsing Yi Southwest Swimming Pool in Kwai Tsing District has been temporarily closed for cleaning and superchlorination following the discovery of a small amount of vomit in the pool.

It will be reopened at 6.30am tomorrow.

The department appeals to swimmers to be considerate and to keep the swimming pools clean. They are advised not to swim after a full meal and should use the toilet facilities if necessary before swimming.

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## Statement by Chief Justice of Court of Final Appeal

The following is issued on behalf of the Judiciary:

The following is a statement by the Chief Justice of the Court of Final Appeal, Mr Geoffrey Ma Tao-li, today (January 16):

"It is with great sadness that I have been informed of the passing of Mr Patrick Yu last Saturday. On behalf of the Hong Kong Judiciary, I would like to express our deepest and sincere condolences to his family.

Mr Yu was for many lawyers in Hong Kong, including judges, barristers and solicitors, an inspiration and represented the ultimate aspiration as to the qualities required in the law. He was an eloquent and thoroughly persuasive advocate, the best of his generation. More than that he was unshakeable in the pursuit of the ideals of the law and of the rule of law itself. He was encouraging to every lawyer who had the good fortune of knowing him and his wisdom influenced many who are in the Judiciary today. Patrick will be much missed but his generosity of spirit and his ideals will live on."

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## Transcript of media session by Secretary for Justice

Following is the transcript of remarks by the Secretary for Justice, Ms Teresa Cheng, SC, at a media session at the Legislative Council today (January 16):

Reporter: Secretary, would you make a comment that the DoJ should resort to outside legal advice to avoid the perception of bias to make sure that DoJ preserves the integrity?

Secretary for Justice: Thank you very much for that question. The independence of the Department of Justice in controlling and handling prosecution matters are actually guaranteed under Article 63 of the Basic Law. And we are not to be subject to any interference. That principle is also enshrined in the Prosecution Code where the role and duty of the prosecutorial officer is very well set out. Under there, it is very clearly stated that the person who is making the prosecutorial decision is not to be affected by what the position of the particular suspect, the circumstances that might arise as a result of the prosecutorial decisions, whether it be political or whether it be a matter of the media viewing the circumstances, or the general public. This is a very important principle to bear in mind because if that principle is not upheld and safeguarded, then we will be swaying one way or another by the influence of the general public or the media. And that we will not be able to follow the rule that is set out in the laws and how we are going to assess the evidence. And hence it is very important that we must comply with the legal principles on how we assess a particular case based on evidence to see whether or not the evidence are sufficient to form a reasonable prospect of conviction. May I add a little bit about this particular standard of test. It is not merely just on balance there is a reason to prosecute, because "on balance" is not good enough. It is not in the public interest to prosecute a person simply because on balance the evidence suggested that he may be liable. It has to be a test – again, this is well settled in case law and of course in the Prosecution Code – it has to be a reasonable prospect of conviction before we make that decision.

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