

Transcript of remarks by CE at media session before ExCo meeting (with video)

Following is the transcript of remarks by the Chief Executive, Mrs Carrie Lam, at a media session before the Executive Council meeting today (September 22):

Reporter: Three questions. So pro-establishment critics have accused the Judiciary for being too lenient on protestors and the Department of Justice has lodged an appeal against a court's decision to acquit a trio charged with rioting, who were near but not at the protest site, arguing that it could set a far-reaching precedent that negates the common law principle of joint enterprise. So do you agree with the recent ruling, and do you support the DoJ on the views of joint enterprise? Second question, former non-permanent judge James Spigelman resigned and he actually told Australian media that he resigned due to the national security law, so without speculating, with that in mind, does it mean that the national security law is actually harming the reputation of Hong Kong, at least in the judicial realm? And third question, under the Government's amendment to the extradition bill before it was shelved, the Government said it will follow up with Hongkongers rendered to the Mainland to ensure that they will be afforded human rights safeguards such as the presumption of innocence, open trial, legal representation and no coerced confessions etc. So will the Hong Kong Government in the case of the 12 Hongkongers afford these human rights safeguards and if so how would the Hong Kong Government do so, and will you as the Chief Executive request the Marine Department to release radar data to ensure that the boat did leave Hong Kong waters? Thank you.

Chief Executive: First, as the Chief Executive, I do not comment on cases which are undergoing the judicial process, whether that case stems from an action taken by the Secretary for Justice or the case is undergoing the judicial process, and I would appeal to all in society to refrain from making that sort of attacks or critiques on the Judiciary.

The second question about the resignation of the non-permanent judge, Justice James Spigelman, Justice Spigelman in his resignation letter to me did not mention at all any reason or any consideration in his decision. So I could not speculate on his rationale for doing so, except to stress that under the Basic Law, we welcome judges from other common law jurisdictions to sit on the Court of Final Appeal and right now we have 13 such very eminent judges from the common law jurisdictions and I am sure Hong Kong will continue to benefit from their wise counsel and their expertise in adjudicating cases.

You mentioned about the sort of perception and the damage on the international arena. I wouldn't say that we have not experienced that sort of

situation since the enactment of the national security law, which was brought into effect in Hong Kong on June 30. And that's why the Hong Kong SAR Government, as well as the Ministry of Foreign Affairs, have gone all out to explain to international organisations as well as our interlocutors in various places through our network of Economic and Trade Offices that the legal system is as robust as ever under the national security law, that judicial independence is not undermined in any way, that Hong Kong now restores law and order, which makes Hong Kong an even more attractive place for doing business, rather than the contrary as some have misrepresented the Hong Kong situation. The latest of these efforts to reach out to explain is through the United Nations Human Rights Council meeting, which I think is still in process. The Chief Secretary for Administration, as a member of the PRC delegation, has spoken on that occasion and I am sure that we will continue to use that forum to explain the national security law to the international audience.

You mentioned about the exercise last year on the Fugitive Offenders Ordinance amendments. I do not want to go into details, except to reiterate in that particular exercise the Hong Kong SAR Government has made very serious attempts, and the Central People's Government has made very positive reaction to the various proposals we have made in order to instill more confidence in the mechanism. But unfortunately it did not go through. When it did not go through it means that we do not have the legal basis to do the things that you want us to do. Rather, we will have to fall back to what we call a Reciprocal Notification Mechanism, which was signed during my tenure in 2018 – whenever there are cases of people being detained in the Mainland we will get notified. And once we get notified, our system of offering assistance to Hong Kong people will be triggered, and the Immigration Department officers will approach the relatives of the detainees to see what assistance we could offer and we will relay those requests to the Mainland authorities. This is the current system and we have to respect the current system instead of unduly interfering with another jurisdiction.

Despite the nature of the case, which I have spent some time on this occasion last week to explain, this case of 12 people being detained in the Mainland is a case of 12 people who are suspected of having committed serious crimes in Hong Kong, ranging from possession or making of explosives, possession of offensive weapons, riots and assault on police officers. They are on bail, but they have absconded. They have run away from their legal liabilities, but in the course of running away from their legal liabilities, they committed another crime in another jurisdiction. Isn't it reasonable and fair that these 12 people should first face their legal liabilities in that other jurisdiction according to the law? And thereafter we will arrange for them to come back to face consequences. But never mind, whether the detainees have committed a crime in Hong Kong or not, we will, in the same way, offer assistance that I have mentioned under the system of offering assistance to Hong Kong people outside of Hong Kong. The Immigration Department officers, both here in Hong Kong as well as in our Guangdong Economic and Trade Office, have been liaising and communicating with the family members of the detainees to see what support and what assistance we can offer. As far as I gathered from my Director of Immigration last evening, all the 12 detainees' family

members have approached the Immigration Department for assistance and various telephone contacts and meetings have already taken place. I will make sure that our colleagues will continue to provide that assistance.

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