

DOJ's response on CFA's provisional judgment on Congo case

In response to media enquiries today (June 8) on the provisional judgment of the Court of Final Appeal (CFA) on a case involving the Democratic Republic of the Congo, a spokesman for the Department of Justice said the following:

The Department of Justice welcomes the CFA's decision to refer Articles 13 and 19 of the Basic Law to the Standing Committee of the National People's Congress (NPCSC) for an interpretation. This is the first time the CFA has invoked the mechanism provided under Article 158(3) of the Basic Law to make such a reference. The CFA has affirmed its constitutional duty to make such a reference once the relevant conditions have been satisfied. The CFA in its judgment has proposed the procedure to be followed for making such a reference, subject to any submissions which the parties may wish to make within seven days from the date of the judgment.

Article 158(2) and (3) of the Basic Law stipulate that the courts of the Hong Kong Special Administrative Region may interpret those provisions which are within the limits of the autonomy of the Region as well as other provisions of the Basic Law in adjudicating cases. However, if the courts of the Region, in adjudicating cases, need to interpret the provisions of the Basic Law concerning affairs which are the responsibility of the Central People's Government, or concerning the relationship between the Central Authorities and the Region, and if such interpretation will affect the judgments on the cases, the courts of the Region shall, before making their final judgments which are not appealable, seek an interpretation of the relevant provisions from the NPCSC through the CFA of the Region.

As the final judgment of this case is yet to be delivered pending the NPCSC's interpretation, it is not appropriate for us to comment further on the case itself or on any related matters at this stage.

Ends/Wednesday, June 8, 2011