

Secretary for Justice on White Paper on "The Practice of the 'One Country, Two Systems' Policy in the Hong Kong Special Administrative Region"

Following is the transcript of remarks by the Secretary for Justice, Mr Rimsky Yuen, SC, on the White Paper on "The Practice of the 'One Country, Two Systems' Policy in the Hong Kong Special Administrative Region" today (June 12):

Reporter: ... and swear allegiance to the SAR. After all, being patriotic, you are supposed to act in accordance with the law and the interest of the country. So, would that undermine the rule of law?

Secretary for Justice: I don't want to play around with words, nor do I want to be pedantic. I think, as I said earlier, under the judicial oath, the expression used is "bear allegiance to the Hong Kong Special Administrative Region". That, in fact, is the word which is quite clear when the word is used in the context of an oath, whether judicial oath or oath taken by other senior government officials. Indeed, I would suppose everyone would agree that when a judge is discharging his judicial function, one would supposed to be acting in the interest of Hong Kong as a whole because in deciding many important questions, particularly those cases which are not just confined to the private interests of private individuals, the court very often would have to consider public interest. Public interest, of course, in the context of Hong Kong, is the public interest of Hong Kong as a whole. In fact, even if you are talking about cases concerning solely with private individuals, I think upholding the rule of law and acting strictly in accordance with the rule of law when deciding cases in fact is acting in the best interest of Hong Kong, because that is what judges are supposed to do. Therefore, that would be, in fact, the very core spirit of judicial independence.

As I was explaining in Cantonese just now, we should not

confuse the concept. It is important to bear in mind that, when we are talking about judicial independence, the word "independence" means that the court is independent when deciding cases, free from any interference, including interference from any individual or the executive.

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

Ends/Thursday, June 12, 2014