

Department of Justice responds to media enquiries

In response to media enquiries on remarks by former Chief Justice of the Court of Final Appeal, Mr Andrew Li Kwok-nang, published in newspapers today (September 25), a spokesman for the Department of Justice gave the following response:

(1) The arrangement that the Court of Final Appeal (CFA) may comprise judges from other common law jurisdictions (such as the United Kingdom and Australia) is a unique arrangement under the Basic Law. This arrangement is conducive to the development of the common law in Hong Kong, the enhancement of exchange and interaction between Hong Kong and other common law jurisdictions as well as the international community's confidence in Hong Kong's judicial independence and rule of law.

(2) As the above arrangement is expressly provided for in the Basic Law, overseas judges' involvement in the handling of appeals by the CFA will not give rise to any constitutional inconsistency with the Basic Law.

(3) As pointed out by Mr Li, the Standing Committee of the National People's Congress has plenary power of interpretation of the Basic Law. As far as possible, the Department of Justice will handle matters concerning Hong Kong's affairs through the legal and judicial systems of Hong Kong within the Basic Law framework.

Ends/Friday, September 25, 2015