

## Statement by Department of Justice in respect of recent opinions on Mong Kok riot

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The riot that took place in Mong Kok on February 8 and 9 has attracted much attention. How the court dealt with those criminal cases arising from the incident has also led to considerable discussion. The Department of Justice (DoJ) notices that some recent opinions sought to speculate about judicial officers' political stances, or accused them of being biased or having conflicts of interest.

The rule of law, judicial independence and fundamental rights such as freedom of expression are the core values which the Hong Kong Special Administrative Region (HKSAR) Government endeavours to safeguard. When exercising a particular right or safeguarding a particular core value, one should not lose sight of other rights and core values.

Public order event cases concerning the rights of expression, assembly, procession and demonstration often attract public attention and extensive discussions. The Judiciary is the guardian of the rule of law. The public has the right to express their views on court decisions and related matters within the boundary permitted by the law. Healthy discussions can also promote awareness of the rule of law. As Lord Atkin once remarked in *Ambard v AG for Trinidad and Tobago* [1936] AC 322, "Justice is not a cloistered virtue: she must be allowed to suffer the scrutiny and the respectful even though outspoken comments of ordinary men."

When expressing views on court rulings, one must also respect the rule of law and judicial independence; otherwise, there might be impact on the rule of law even though one might have acted with the best intentions. Further, one should avoid making comments which might constitute or might be perceived to constitute the exertion of pressure on

the courts or individual judges, so as to avoid the risk of prejudicing judicial independence and the healthy development of the rule of law. As a spokesman for the DoJ said in response to media enquiries yesterday (February 23), accusing judicial officers of being biased or speculating about their political inclination in the absence of cogent evidence will not do any good to the maintenance of the HKSAR's judicial independence.

The DoJ will continue to pay attention to the public's views on matters relating to the rule of law including the criminal justice system, and will urge the public to respect judicial independence and the rule of law.

Ends/Wednesday, February 24, 2016