

## Secretary for Justice starts visit to London (with photos)

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The rule of law is the very spirit and foundation of the common law system. By providing for the continuation of the common law system in the Hong Kong Special Administrative Region (HKSAR), the Basic Law in the same breath provides the constitutional guarantee for the rule of law in the HKSAR, the Secretary for Justice, Mr Rimsky Yuen, SC, said in London, the United Kingdom (UK) on May 24 (UK time).

He pointed out that it is beyond doubt that the implementation of the "one country, two systems" policy has been on the whole a success. "Insofar as the Basic Law guarantees the maintenance of the HKSAR's common law system, the rule of law and independence of the judiciary, it has been well met," he said.

He cited the recent example of the Global Competitiveness Report 2016 – 2017 published by the World Economic Forum. HKSAR is the only Asian economy that was ranked within the top 10 on judicial independence out of 138 jurisdictions, and ranked the third among common law jurisdictions.

Mr Yuen made the remarks in a speech entitled "'one country, two systems' policy and the rule of law in the HKSAR: The past 20 years and the future" delivered at Asia House in London, on the first day of his visit to UK.

Mr Yuen also pointed out that apart from the continuation of the common law system, the Basic Law also contains various important constitutional guarantee which are essential for maintaining judicial independence, and which is one of the cornerstones of the rule of law.

He said, "Not only does Article 82 stipulate that the power of final adjudication of the HKSAR shall be vested in

the Court of Final Appeal (CFA), it states that the CFA may invite judges from other common law jurisdictions to sit on the CFA."

"This innovative formula has proved to be a success, both in terms of ensuring the quality of the CFA judgments as well as enhancing confidence of the general public as well as the international business community."

Commenting on the rule of law situation in Hong Kong, Mr Yuen said that the HKSAR continues to pass the test if one considers the HKSAR's current situation against the six objective factors – transparency of the legal system, reasoned judgments, the Court's approach, appointment of judges, effective access to the courts of justice and public confidence in the system, which were factors identified by the Chief Justice of the CFA, Mr Geoffrey Ma Tao-li, at the Annual International Rule of Law Lecture 2015.

Mr Yuen said the HKSAR's legal system continues to be transparent; the judges continue to be appointed on their merits; and apart from constitutionally guaranteed, access to justice remains well and alive with a robust legal aid system.

"The judges in the HKSAR continue to deliver very good reasoned judgments, whether in general civil cases or in controversial public law cases (including those concerning judicial review applications).

"All these judgments plainly illustrate that judges in the HKSAR dealt with cases in a professional, apolitical and judicial manner, and also strictly in accordance with the available evidence and applicable legal principles."

He will continue his visit to Oxford on May 25 (UK time). He will deliver a speech with the title "The development of common law in Hong Kong - past, present and future" under

the Dr Mok Hing Yiu Memorial Lectureship, at St Hugh's College, University of Oxford.

Ends/Thursday, May 25, 2017

