

Transcript of remarks by Secretary for Justice on national security law

Following is the transcript of remarks by the Secretary for Justice, Ms Teresa Cheng, SC, at a media session after attending a radio programme today (July 4):

Reporter: Is it appropriate for the Government to say that the protest slogan "Liberate Hong Kong, the revolution of our times" is violating the national security law before the courts come to a decision on the matter? Will that give people the impression that the Government is trying to give pressure on the courts in future judgment about such matters?

Secondly, Article 9 of the law says that the HKSAR Government should strengthen supervision over matters such as national security including those relating to schools, universities, the media and the internet. Does the Government have any concrete plans to implement this law? For example, will the Government set up a firewall to block internet sites that may be in violation of the national security law?

Thirdly, could you clarify whether election candidates who have chanted the protest slogan "Liberate Hong Kong, the revolution of our times" before will be disqualified in the upcoming Legislative Council election?

Secretary for Justice: The first question relates to the particular phrases that you have mentioned. In relation to that, the Government may have a position that it takes. However, when it comes to the criminal offence that is being charged, ultimately it will be a matter for the court to make a decision as to whether the overall acts, not just the words, but also the acts of the particular defendant amount to an offence under the relevant sections of the national security law. I think that is a very important thing to bear in mind that ultimately, it is the court that looks at whether a particular defendant, not just the words, but the overall acts in context, with intent to be looked into, to decide whether the crime is committed. That is the first question.

I think in relation to your last question, also relating to the words that are being used, I think it is a matter that one must separate from the national security law. The national security law is concerned with act that is going to endanger national security. It is not concerned with other matters. The election is a separate matter that is governed by another legislation that has been enacted in Hong Kong. Insofar as the decision of the Returning Officer is concerned, he or she will have to make a decision as to whether the particular candidate's intent is to genuinely support the Basic Law

when they stand for election. There are laws and cases that are explicitly and clearly dealt with how that is to be assessed. Insofar as the decision of the Returning Officer is concerned, he or she will have to look at the relevant evidence of a particular candidate and when necessary, to ask questions in order to come to a decision based on law and evidence.

Reporter: Any clarification on Article 9?

Secretary for Justice: Article 9 is of course important. We are still in the early days, for a start. Secondly, as I have mentioned just now, I think it is important with the media here, that a proper discharge of your duties fairly and objectively in reporting news that have happened cannot possibly cause you into the remit of violating the article in the national security law. In the national security law, there is a very clear requirement of the intent, so if you are objectively, dutifully and professionally reporting the news, there is nothing that is affecting your duties now. Thank you very much.

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

Ends/Saturday, July 4, 2020