

HKSAR handles Lai Chee-ying's case in accordance with law

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Regarding Lai Chee-ying's case concerning the Hong Kong National Security Law, the Hong Kong Special Administrative Region (HKSAR) Government today (December 18) pointed out that as the legal proceedings involving Lai Chee-ying are still ongoing, it is inappropriate for any person to comment on the details of the case. The HKSAR Government emphasised that all cases (including the relevant case) are handled strictly on the basis of evidence and in accordance with the law. All defendants will receive fair trial strictly in accordance with laws applicable to Hong Kong (including the Hong Kong National Security Law) and as protected by the Basic Law and the Hong Kong Bill of Rights.

A spokesman for the HKSAR Government said, "Any attempt by any country, organisation, or individual to interfere with the judicial proceedings in the HKSAR by means of political power or media or any other means, thereby resulting in a defendant not being able to have a fair trial that one should receive, is a reprehensible act undermining the rule of law of Hong Kong. Making a statement with the intent to interfere with or obstruct the course of justice, or engaging in conduct with the same intent, is very likely to constitute the offence of criminal contempt of court or the offence of perverting the course of justice."

The spokesman said, "The HKSAR law enforcement agencies have been taking law enforcement actions based on evidence and strictly in accordance with the law in respect of the acts of the persons or organisations concerned, which have nothing to do with freedom of the press, or the background of any person or organisation. The suggestion that persons or organisations with certain backgrounds should be immune from legal sanctions for their illegal acts and activities is tantamount to granting such persons or organisations privileges to break the law and is totally contrary to the spirit of the rule of law.

"The Department of Justice (DoJ) of the HKSAR, by virtue of Article 63 of the Basic Law, controls criminal prosecutions, free from any interference. All prosecutorial decisions by the DoJ are based on admissible evidence, applicable laws and guidelines such as the Prosecution Code. Prosecutions would only be commenced if there is sufficient admissible evidence to support a reasonable prospect of conviction and if it is

in the public interest to do so."

The spokesman emphasised, "The Hong Kong National Security Law clearly stipulates that HKSAR shall protect human rights and that the rights and freedoms that Hong Kong residents enjoy under the Basic Law, and the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong, including the freedom of speech, freedom of the press, etc., shall be protected in accordance with the law. However, most if not all rights and freedoms are not absolute, and may be restricted for reasons such as protection of national security, public order or the rights and freedoms of others. All rights and freedoms must be exercised within the boundaries of the law."

"The Hong Kong National Security Law further affirms adherence to the principle of the rule of law in preventing, suppressing and imposing punishment for offences endangering national security, and provides for the presumption of innocence and the prohibition of double jeopardy, and protection of the right to defend oneself and other rights in judicial proceedings that a criminal suspect, defendant and other parties in judicial proceedings are entitled to under the law."

The spokesman pointed out, "As guaranteed by the Basic Law and the Hong Kong Bill of Rights, all defendants charged with a criminal offence have the right to and will receive a fair trial by the judiciary. Articles 2, 19 and 85 of the Basic Law specifically provide that the HKSAR enjoys independent judicial power, including that of final adjudication, and the courts of the HKSAR shall exercise judicial power independently, free from any interference. When adjudicating cases concerning offence endangering national security, as in any other cases, judges remain independent and impartial in performing their judicial duties.

"All defendants will receive fair trial, strictly in accordance with all laws applicable to Hong Kong (including the Hong Kong National Security Law). Cases will never be handled any differently owing to the profession, political beliefs or background of the persons involved. To suggest otherwise is utter nonsense without regard to objective facts with the intention to smear the judicial system of the HKSAR.

"Without commenting on individual case, we must point out that all cases concerning offence endangering national security will be handled in a fair and timely manner by the

law enforcement, prosecution and judicial authorities of the HKSAR as required by Article 42(1) of the Hong Kong National Security Law. The time taken between the institution of prosecution and the completion of trial of each case depends on a multitude of factors. The prosecution and defence will adhere to any direction given by the court to ensure a timely trial."

"The HKSAR will continue to resolutely discharge the responsibility of safeguarding national security, effectively prevent, suppress and impose punishment for acts and activities that endanger national security in accordance with the law, and safeguard the rights and freedoms enjoyed by Hong Kong people in accordance with the law at the same time," the spokesman reiterated.

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