

律政司
律政司司長辦公室

香港中環下亞厘畢道 18 號
律政中心中座 5 樓

網址 : www.doj.gov.hk



DEPARTMENT OF JUSTICE
Secretary for Justice's Office

5/F, Main Wing, Justice Place,
18 Lower Albert Road, Central, Hong Kong

Web site: www.doj.gov.hk

電話號碼 Tel No.: (852) 3918 4111
傳真號碼 Fax No.: (852) 3918 4119
來函編號 Your Ref.:
本函編號 Our Ref.:

6 April 2022

The Editor
Wall Street Journal

Dear Editor,

Notwithstanding the bold statement in the opening of your editorial dated April 1, Hong Kong's rule of law has become stronger since the end of British rule and remains so. There has never been any pressure, let alone from the Central Authorities, on our judiciary. Our judges remain free to decide cases independently and impartially based only on law and evidence.

In the statement by the two UK's Supreme Court judges, the freely admitted position that decision was made "in agreement with the government" suggests political interference. There is not a shred of evidence to suggest our rule of law is undermined or judicial independence eroded, and the smearing campaign remains within the ambit of the politicians.

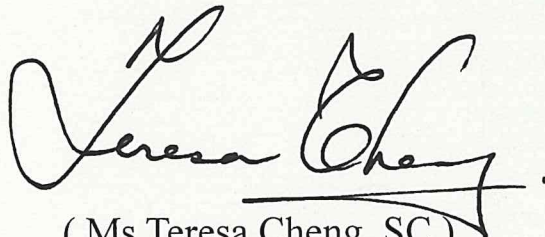
Extraterritorial jurisdiction is a common feature in national security laws in line with the international principle of protective jurisdiction.

The UK, US, Australia, etc have laws that prescribe criminal jurisdiction over acts of endangering national security overseas. China is no different.

Article 82 of the Basic Law provides that the Court of Final Appeal (CFA) may as required invite judges from other common law jurisdictions to sit on the CFA. As to whether the particular judge has to seek political support is a matter for them but it will not impact on our judicial independence. Article 85 of the Basic Law explicitly provides that judges shall exercise judicial power independently free from any interference. This is demonstrated by the judicial practice and the publicly available judgements.

The “one country, two systems” has been fully implemented in Hong Kong where our legal and financial systems remain strong and intact, due process observed and human rights protected in accordance with law.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Teresa Cheng', with a horizontal line underneath the name.

(Ms Teresa Cheng, SC)

Secretary for Justice

Hong Kong Special Administrative Region
The People's Republic of China