

LC: Speech by SJ

Following is the Speech by the Secretary for Justice, Ms Elsie Leung, in the motion debate calling for the resignation of the Chief Executive in the Legislative Council today (May 14):

Madam President,

Some honourable members have spoken on the rule of law and lamented that it has deteriorated since the handover. This is not justified and should not go unanswered.

Let us look at some of the comments other jurisdictions have on the rule of law situation of Hong Kong:

(a) In the United States Hong Kong Policy Act Report of April 1, 2003, it is stated that: "There is strong respect for the rule of law and civil liberties The rule of law and an independent judiciary remained pillars of Hong Kong's free and open society The Hong Kong press remained free and continued to comment critically on issues, including the proposed Article 23-related legislation, China and its leaders, and the Hong Kong government, despite critics' assertions of media self-censorship. There were numerous demonstrations for and against government positions. Mainland Chinese companies in Hong Kong remained subject to the same laws and regulatory supervision as all other enterprises"

(b) The Six Monthly Report on Hong Kong to the UK Parliament of February 2003 said: "We have the utmost respect for the Hong Kong judiciary, and the Lord Chancellor continues to send three judges from the House of Lords to sit on Hong Kong's Court of Final Appeal"

The agreement to send two more judges to sit on Hong Kong's Court of Final Appeal as announced recently was a further vote of confidence in the legal system of Hong Kong.

(c) The Report from the Commission to the Council and the European Parliament of

August 2002 said in the concluding remarks: "Five years on from the hand-over, Hong Kong remains a free and open society, underpinned by the rule of law. It retains a lively press and a vibrant political culture. Its international ties remain strong."

It is unfortunate that some Legislators do not appreciate our robust maintenance of the rule of law, whilst this is acclaimed internationally.

I have spoken at length in this chamber on the rule of law and human rights situation in Hong Kong on the 7 November 2001, the 17 January 2003, and on numerous other occasions. I do not wish to repeat what I said then. Views do differ from time to time on matters such as the right of abode issue, prosecution decisions, and the implementation of BL23. But those disagreements do not mean that the government or the Chief Executive is undermining the rule of law in any way. The rule of law is entrenched constitutionally and human rights are protected under the Basic Law. We have a well established legal system and a robust and independent judiciary. These underpin and control the good governance of Hong Kong, and guarantee that Hong Kong's freedoms will remain.

End/Wednesday, May 14, 2003

NNNN