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3 January 2020

The Editor
The Wall Street Journal

Dear Editor,

**Meet the Hong Kong Lawyers working to keep protesters free
(26 December 2019)**

The unfounded claims that protesters charged with criminal offences would not receive a fair trial and misguided characterisations of Hong Kong's criminal justice system are as unfair as they are ill-advised. It is incumbent upon me to refute baseless allegations in the strongest terms lest your readers be misled. The professed worries that "some Hong Kongers will conclude that adverse rulings prove that rule of law is dead" are not only self-serving for those who refuse to accept any unfavourable outcome after due process, they are also premised no more than on pure speculation on matters the merits of which have not even started to be tried in open court.

Hong Kong cherishes fundamental rights including the right to a fair trial. Our judges manifest the highest professional and judicial quality as well as impartiality through the reasoned judgments that they deliver. Judges in Hong Kong are appointed upon the recommendation by a statutory committee comprising nine members including the Chief Justice of the Court of Final Appeal, the Secretary for Justice, two judges from the Judiciary, one barrister, one solicitor

as well as three eminent and respected members of the society not connected with the practice of law. Our judges would not be subjected to any political vetting. The only criteria upon which they are considered before appointment is their judicial and professional quality that contribute to our renowned judicial independence. Our judges and magistrates preside over civil and criminal trials in open court. Judgments set out the reasons by which the decisions are arrived at. Views expressed in society have never been and will not be able to usurp the judgments by our courts. Appellate mechanisms including the power of final adjudication are clear and well used in our legal system. Provision of legal aid is also available to those in need and eligible.

With such a strong and independent judiciary charged with the administration for justice, Hong Kong has long been recognised for its strong testimony for the rule of law. The current challenge in Hong Kong is neither a result of our Judiciary wavering from duties nor the Government acting in defiance of the rule of law, but those having resorted to violence.


The Police have a statutory and common law duty to maintain law and order, to make arrests of those where there is a reasonable suspicion of criminal acts having been committed by them and to carry out further investigations as required. These duties are performed according to law and not subject to political influence.

The Department of Justice (DoJ) does not carry out any investigation. It has a constitutional duty to “control criminal prosecutions, free from any interference” as set out in Article 63 of the Basic Law. The DoJ functions independently and makes prosecutorial decisions based only on the available evidence, the applicable laws and the Prosecution Code published on our website.

Any attempt to undermine our judicial independence through baseless allegations that trials in Hong Kong are unfairly conducted is futile and would only be attractive to those unfamiliar with our legal and judicial system.

It is hoped that the above would enable your readers to have a better understanding of Hong Kong's legal infrastructure and determination to uphold the rule of law.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Teresa Cheng". The signature is fluid and cursive, with a long horizontal stroke at the end.

(Ms Teresa Cheng, SC)

Secretary for Justice

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