

20 July, 2020

The Editor
InDaily
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Dear Editor,

I refer to the article “Boot descends upon Hong Kong rule of law” by Morry Bailes on 16 July, 2020.

The Hong Kong Special Administrative Region (HKSAR) is vested with independent judicial power, including that of final adjudication in accordance with the Basic Law. The National Security Law will not affect Hong Kong’s high degree of autonomy, judicial independence and the rule of law.

Judicial independence means that the judges are free from interference when hearing cases. The relevant provision of the National Security Law merely makes it clear that the Chief Executive of the HKSAR shall designate, in different levels of courts, a list of judges who are suitable to hear cases that endanger national security, rather than choosing a judge to preside over a specific case. Judges designated from courts at all levels are responsible for hearing cases involving offences endangering national security. Unless national secrets are involved, the trial shall be held in open court and all judgements be announced to the public.

The Department of Justice will continue to be free from interference in its criminal prosecution work. Any decisions that the Department of Justice is going to make in relation to prosecutorial decision, will and always be based on fact and evidence provided through the law enforcement agencies.

Yours sincerely,
Raymond Fan
Director
(Representative to Australia and New Zealand)