

17 March 2021

The Sunday Times

Dear Editor,

Regarding your article “In Hong Kong’s purge of the ‘unpatriotic’, the judges are next” on March 14, 2021, I think it is particularly important to set the record straight on the Decision by the National People’s Congress to adjust the electoral system of Hong Kong (“the Decision”), as well as the appointment of judges in Hong Kong.

The Decision is by no means designed to “bulldoze” any freedom enjoyed by Hong Kong residents. On the contrary, safeguarding the right for Hong Kong permanent residents to vote and to stand for election is clearly stated in the Decision. By expanding the membership of the Election Committee and the Legislative Council respectively by some 25% and 28%, and adjusting their composition, it will broaden the representation and participation of different sectors of Hong Kong society.

The article claimed that Hong Kong’s Chief Executive (“CE”) was empowered to appoint her own preferred judges for cases under the National Security Law (“NSL”). This allegation has failed to put the appointment of judges in Hong Kong in proper perspective. The Basic Law guarantees the independence of the Judiciary in Hong Kong and ensures that the exercise of judicial power shall be free from interference. It also provides that judges of courts at various level shall be appointed by the CE on the basis of their judicial and professional qualities. Rather than assigning a judge to preside over a specific case, the NSL clearly stipulates that the CE shall designate, from judges at different levels of courts, a list of judges to hear cases concerning offences that endanger national security. The CE may consult the Committee for Safeguarding National Security of the HKSAR and the Chief Justice of the Court of Final Appeal before doing so.

Hong Kong has a proud tradition of the rule of law and judicial independence. The HKSAR Government is fully determined to preserve these core values.

Miss Winky So

Director-General

Hong Kong Economic and Trade Office, London