

March 25, 2022

The Daily Telegraph

Dear Editor,

I write to set the record straight about Charles Moore's article of March 22 "China and Covid are killing free Hong Kong", which wrongly accuses the National Security Law (NSL) of suppressing freedom in Hong Kong and insinuates the loss of judicial independence and impartiality in Hong Kong.

Hong Kong remains a free society where all legitimate rights and freedoms are protected. Rights and freedoms of Hong Kong residents, including but not limited to the freedoms of speech, of the press and of publication, are guaranteed and provided under the Basic Law and international covenants as applied to Hong Kong. Article 4 of the NSL clearly stipulates that in safeguarding national security, the above rights and freedoms shall be protected in accordance with the law.

We must also emphasise that all law enforcement actions taken by Hong Kong law enforcement agencies, including those under the NSL, are based on evidence, strictly according to the law and have nothing to do with the nationality, occupation, background or political stance of the individuals concerned.

The constitutional guarantee on judicial independence in Hong Kong is also kept solemnly. Such judicial independence is premised on the solid infrastructure that has been laid down in the Basic Law, including the security of tenure, the immunity of judges, and importantly the express provision in Article 85 of the Basic Law that guarantees judicial independence, free from any interference. All judges are required to administer justice without fear or favour.

Suggestions that our independent judiciary has disappeared are simply baseless. The laws of Hong Kong (both legislations and case law) are freely available online; the process of the court is transparent, and due process always observed. The laws applicable to Hong Kong, including the NSL, are drafted with certainty and clarity. Courts apply the statutes fairly and offer explanations through case laws under our common law system. There is adherence to the procedural guarantees on fairness of the legal process, all being safeguards to the parties' rights under the laws of Hong Kong.

Gilford LAW
Director-General
Hong Kong Economic and Trade Office, London