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April 7, 2022

The Editor
Financial Times

Dear Editor,

On the 25th anniversary of our return to the Motherland, UK's colonial nostalgia, as rightly described by Commissioner of Ministry of Foreign Affairs in HKSAR Mr Liu Guangyuan, lingers on. The exposition of UK's ulterior motive or wishful thinking in your April 3 editorial is shocking, that by an "agreement", British colonialism continues for "UK's national interest" through "promoting British soft power". No one in Hong Kong could possibly have agreed to that.

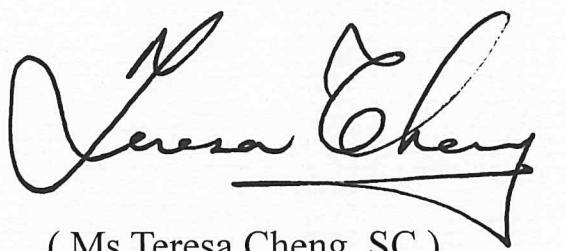
Judges are respectable and would never tolerate being manipulated in any such "scheme". When exercising judicial function, judges adjudicate independently, free from any interference. The executive and the judiciary perform different functions under the Basic Law. Being true to the rule of law, judges would not relinquish their duties even if the executive were acting unlawfully. Administrative law ensures that the executive acts legally and within its power. Non-permanent judges of the Court of Final Appeal (CFA) have heard all types of cases including constitutional matters. The beauty of case law is that judgments may be unanimous or by majority accompanied by dissenting judgments. The law develops and disagreement professionally explained.

Common law is no longer monolithic but evolves differently in various jurisdictions. The common law in Hong Kong has been developed over time to suit the circumstances here. Article 82 of the Basic Law is the legal premise upon which the CFA may, as required, invite judges from other common law jurisdictions to sit. Similarly, overseas counsel including London silks may be admitted, on an ad-hoc basis, in suitable cases in the public interest provided they have the requisite qualification and experience. Presumably they would not feel “politically awkward for the UK” if they comply with the cab-rank rule of the Bar.

The local legal fraternity (with over 170 judges, about 11,000 solicitors and 1,600 barristers, including overseas lawyers admitted to full practice in Hong Kong) has the primary responsibility for upholding our legal system and independent judiciary in accordance with the institutional safeguards laid down in the Basic Law. They have performed splendidly.

The repeated attempts to vilify the National Security Law (NSL) apply double standards and are unjustifiable. The law tackles acts endangering national security whether committed locally or abroad, as in any other states. Whatever said and done, the rule of law is firmly upheld, judicial independence protected and the NSL enforced in accordance with law and evidence.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Teresa Cheng', with a horizontal line underneath the name.

(Ms Teresa Cheng, SC)

Secretary for Justice

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