



HONG KONG BAR ASSOCIATION

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23 November 2020

Ms. Teresa Cheng, SC
Secretary for Justice
Department of Justice
5/F, Main Wing, Justice Place
18 Lower Albert Road Central
Hong Kong.

Dear

Attack on Judges

The Bar Council has directed me to convey its utter dismay and astonishment that the Chinese-language *Ta Kung Pao* published on its front page on Friday, 20 November 2020, a virulent article attacking the judgment of Anderson Chow J pronounced on Thursday, 19 November 2020. As you know, the case concerned the failure of police officers to wear proper identification on their uniforms during the social unrest last year and institutional shortcomings in the way complaints against police officers are handled.

The headline of the article reads: “Thugs rule, no human rights for policemen – High Court ruled police officers not showing their identification on uniform in breach of human rights” (《暴徒惡晒 警察冇人權 - 警員不展示編號 高院裁違人權法》). The article is accompanied by a cartoon which shows a figure in the stereotypical garb of a protester waving a weapon in front of a police officer and saying: “Show me your number, the judge backs me!” (『我有法官撐，快啲畀個編號我睇!』). The article, on its fair reading, conveys a message that Chow J was partisan and biased in favour of protesters or supported criminal activities.

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黃宛蓓

Letter to the Secretary for Justice 23 November 2020

The Council has noted that other individuals are reported to have launched personal attacks on the Judge questioning the Judge's motives and integrity. Previous Bar statements reminded the public that unfounded personal attacks on judges are not acceptable because they undermine the foundations of the administration of justice and the Rule of Law.

The Council considers that *Ta Kung Pao* has gone beyond the boundary of acceptable criticism of judicial decisions.

Coleman J's decision (Secretary for Justice v. Persons Unlawfully and Wilfully Conducting themselves in any of the Acts Prohibited under Paragraphs (a), (b) or (c) of the Indorsement of Claim, HCA 1847/2020 [2020] HKCF I2785) on 13 November 2020 granting an injunction against doxxing of judicial officers remarked that: "it was the tradition that the minister responsible for the administration of justice has the duty of defending the Judiciary or individual Judges against wrong accusations", and that "it seems that unfortunately that tradition is in decline and is not now always promptly honoured".

The Bar Council calls upon you as the minister responsible for the administration of justice to staunchly defend the Judiciary and individual judges against the pernicious accusations made in the newspaper article.

The Bar Council also notes that the article hovers on the margins of a contempt of court. As Coleman J said, it is your responsibility to act when judges are attacked in this way. The Bar Council urges you to take a serious view of this matter and take appropriate action.

Yours sincerely,



Anita Yip, S.C
Vice Chairman