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DEPARTMENT OF JUSTICE
Secretary for Justice's Office

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18 Lower Albert Road, Central, Hong Kong

Web site: www.doj.gov.hk

30 December 2020

Ms Anita Yip, SC
Vice Chairman
Hong Kong Bar Association
LG2 Floor, High Court
38 Queensway
Hong Kong

Dear Ms Yip,

Attack on Judges

I am instructed to reply to your further letter addressed to the Secretary for Justice and dated 28 December 2020 which makes reference to my reply dated 11 December 2020 issued on the Secretary for Justice's behalf.

Your further letter, continued to be issued in your capacity as Vice Chairman of the Hong Kong Bar Association ("HKBA") and captioned as "Attack on Judges" in the same series, also makes reference to three newspaper articles published over the period from 26 to 28 December 2020 in respect of the Court of First Instance's recent decision to grant bail to LAI Chee Ying [2020] HKCFI 3161, the Reasons for Ruling thereof was since handed down 29 December 2020.

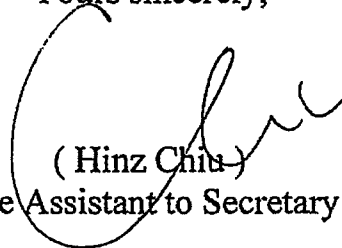
After putting forward how, in the manner set out in your letter, the content of the articles would be perceived by the public, you stated that "we trust the Secretary for Justice ... will take appropriate action and come forward to staunchly defend the independence of the Judiciary".

It is noted that, on this occasion, the HKBA has not itself issued any statement at what it regards as a "critical moment in the development of the [HKSAR]". This is notwithstanding that a matter

within the professed objects of the HKBA, as crucial stakeholder of the legal sector, is “*the defence, maintenance, upholding and improvement, in Hong Kong, of the independence of the Judiciary, the Rule of Law, the Basic Law, the Hong Kong Bill of Rights, the administration of justice, procedure, the arrangement of business, law reporting, and trial by jury*” (see Regulation 2(b) of the HKBA’s *Rules and Regulations*).

We do not consider it necessary to repeat what was set out clearly in my letter of 11 December 2020 and the same message has in fact been reiterated on numerous occasions publicly. Suffice it for us to add that judicial independence is strong and robust in the HKSAR. An important contributing factor to this is that those who wish to form an informed view on the merits of ongoing cases under litigation are free to follow the court proceedings at which the parties ventilate their competing contentions in open court (unless otherwise prescribed by law or ordered by the court) and consult the reasoned judgments as and when available.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Hinz Chiu', written over a circular stamp or seal.

(Hinz Chiu)
Administrative Assistant to Secretary for Justice