

# HKSAR Government attaches importance to protecting people's rights and freedoms

In response to media enquiries regarding the Human Rights Day rally to be held tomorrow (December 8), a spokesman for the Hong Kong Special Administrative Region (HKSAR) Government today (December 7) said:

"The HKSAR Government attaches great importance to its constitutional duty to safeguard and protect human rights and freedoms. The Government also hopes that members of the public, when expressing their views and opinions as well as striving for their own rights and freedom, can embody the tenets of the Universal Declaration of Human Rights to respect others' rights and freedom. All violent and illegal acts are contrary to the spirit of the Declaration.

"Article 4 of the Basic Law states that the HKSAR shall safeguard the rights and freedoms of the residents of the HKSAR and of other persons in the Region in accordance with law. Apart from the Basic Law, human rights and freedoms in Hong Kong are fully protected by the Hong Kong Bill of Rights Ordinance and other laws.

"Provisions of the International Covenant on Civil and Political Rights as applied to Hong Kong remain in force. Through regular reports to the United Nations in accordance with various human rights treaties, the performance of the HKSAR Government in promoting and safeguarding human rights is under the scrutiny of members of the public, including the Legislative Council, the media and a number of non-governmental organisations.

"The rule of law and freedom are not only the core values of Hong Kong, they are also the foundations of Hong Kong's long-term prosperity and stability. Hong Kong's judicial independence is safeguarded by the Basic Law, and the power of final adjudication in the HKSAR is vested in the Court of Final Appeal, which may invite judges from other common law jurisdictions to sit on the Court. According to the Global Competitiveness Report published by the World Economic Forum, Hong Kong ranks second in Asia and eighth in the world for judicial independence. Also, according to the Worldwide Governance Indicators of the World Bank, Hong Kong's percentile ranking in the rule of law has steadily improved from less than 70 per cent before Hong Kong's return to the Motherland to currently over 95 per cent.

"Hong Kong has consistently ranked as the world's most free and open economy by international organisations. The Heritage Foundation of the United States has ranked Hong Kong the world's freest economy for 25 consecutive years. Canada's Fraser Institute has ranked Hong Kong as the world's freest economy since 1996. These achievements are premised on the HKSAR's strengths including the fine tradition of the rule of law, a free and open market, an

efficient public sector and a robust institutional framework.

"Members of the public have the unquestionable freedom of peaceful assembly, of procession and of demonstration. Over the past five years, Hong Kong has held about 44 000 public assemblies and 6 000 public processions – an average of about 27 such events a day.

"From June this year until now, there have been over 900 public demonstrations, processions and public meetings. Unfortunately, many ended in violent and illegal confrontations, including reckless blocking of roadways, throwing petrol bombs and bricks, arson, vandalism, setting ablaze individual stores and facilities of the Mass Transit Railway and Light Rail, and beating people holding different views. All this has seriously endangered people's personal safety, public order and security. The Hong Kong Police Force has been carrying out enforcement actions in strict accordance with the law, to protect life and property and to restore order to society.

"The HKSAR Government has steadfastly safeguarded the freedom of speech and freedom of assembly. But, as in other jurisdictions, such freedom is not absolute. The International Covenant on Civil and Political Rights provides that restrictions might be imposed by law if this was necessary to protect national security, public safety, public order or the rights and freedoms of others.

"As for constitutional development, universal suffrage of 'one person, one vote' for selecting the Chief Executive and electing all members of the Legislative Council is enshrined as an ultimate aim in the Basic Law. To achieve this aim, the community needs to engage in dialogues, premised on the legal basis and under a peaceful atmosphere with mutual trust, with a view to narrowing differences and attaining a consensus agreeable to all sides. The HKSAR Government will assess the situation carefully and take forward constitutional development in accordance with the Basic Law and the relevant Interpretation and Decisions of the Standing Committee of the National People's Congress.

"The District Council Ordinary Election took place safely and smoothly on November 24, with a historical high voter turnout rate of over 70 per cent. Many candidates with different political views actively took part, and were elected. Voters expressed their views in a peaceful and sensible manner, a familiar process treasured by Hong Kong people. In fact, the core values of respecting different views, diversity, inclusiveness, freedom and mutual respect have all along been treasured by Hong Kong people.

"The Government appeals to members of the public taking part in public assemblies and processions to continue to adhere to the fine tradition of Hong Kong people and express their views in a calm and peaceful manner. In view of the social controversies and disputes as well as other problems brought about by the legislative amendment exercise, the HKSAR Government has learned its lesson and will humbly listen to and accept criticism. We hoped that all sectors of the community could work together with the government to restore order in society as soon as possible so that Hong Kong can continue to move forward."