

HKSAR Government refutes joint statement by three foreign ministers and US Secretary of State

In response to the joint statement on arrests in Hong Kong made by the foreign ministers of Australia, Canada and the United Kingdom, and the United States Secretary of State, a Government spokesman today (January 10) said:

"It is the Hong Kong Special Administrative Region (HKSAR)'s constitutional responsibilities to safeguard national security. Since enactment of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (the National Security Law) by the National People's Congress Standing Committee on June 30, 2020 and promulgation for its application in Hong Kong on the same day in accordance with the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (the Basic Law), the HKSAR Government has been discharging its duty to safeguard national security in Hong Kong lawfully and dutifully."

"The National Security Law, or indeed any law in the HKSAR, applies equally to every person in Hong Kong; no one is above the law. We are appalled by remarks made by some overseas government officials that seemed to suggest that people with certain political beliefs should be immune to legal sanctions."

"Hong Kong prides itself on the rule of law; law enforcement agencies are duty-bound to take action against unlawful acts, regardless of the political background of the suspects. Arrests made are based on evidence and strictly in accordance with relevant laws and regulations."

"As provided for in the Basic Law, the Department of Justice of the HKSAR Government makes independent prosecutorial decisions based on evidence, applicable laws and in accordance with its Prosecution Code, free from any interference. Any person who is prosecuted has the right to a fair trial by our independent courts, and the burden is on the prosecution to prove that the accused committed a crime beyond reasonable doubt before there can be a conviction. Enshrined in the Basic Law – Articles 2, 19 and 85, the courts of the HKSAR enjoy judicial power independently, including that of final adjudication, free from any interference."

"Whilst it would not be appropriate for us to comment on specific cases into which investigations are still ongoing, we consider it necessary to refute comments made in the joint statement about the National Security Law to set the record straight."

"Safeguarding national security through legislation is in line with international practice. Contrary to allegations that the National Security Law undermines the 'One Country, Two Systems' framework, the National

Security Law fully and faithfully implements the principles of 'One Country, Two Systems', 'Hong Kong people administering Hong Kong' and a high degree of autonomy. It clearly stipulates four types of offences endangering national security and the penalties. At the same time, the National Security Law contains specific provisions upholding Hong Kong people's rights and freedoms under the Basic Law as well as the relevant provisions of international covenants on human rights as applied to Hong Kong. The Law also provides for the presumption of innocence, the prohibition of double jeopardy, and the right to defend oneself and other rights in judicial proceedings that a criminal suspect, defendant and other parties in judicial proceedings are entitled to under the law."

"These important features have put the National Security Law on par with, if not superior to, similar national security laws in other jurisdictions. In making those slandering remarks about the National Security Law in their joint statement, senior officials of other jurisdictions are clearly adopting double standards."

"Since implementation of the National Security Law, street violence which had haunted Hong Kong people for months since June 2019 have subsided and stability restored. The legitimate rights and freedoms of the people of Hong Kong have been upheld and criminals are brought to justice through our independent judiciary. A stable environment is vitally important to the prosperity of Hong Kong and the business activities of both local and overseas enterprises here."

"Taking people who have contravened the law to justice is the duty of every government, and where the offence concerns national security, the interests of the country and every citizen are at stake. This national obligation should be fully respected in the international arena."