

HKSAR Government strongly condemns and rejects the UK six-monthly report on Hong Kong

The Government of the Hong Kong Special Administrative Region (HKSAR) strongly disapproved of and must resolutely refute the untruthful remarks, slanders and smears against various aspects of the HKSAR in the so-called six-monthly report on Hong Kong: July to December 2024 of the United Kingdom (UK) today (March 27).

A spokesman for the HKSAR Government said, "The HKSAR Government strongly condemns and rejects the UK's attempt through a so-called six-monthly report to make misleading and irresponsible remarks about Hong Kong matters, wantonly put politics above the rule of law and attempt to interfere in Hong Kong's law-based governance by despicable political manoeuvres. The HKSAR is an inalienable part of the People's Republic of China, and as a local administrative region that enjoys a high degree of autonomy under the principle of 'one country, two systems', comes directly under the jurisdiction of the Central People's Government. The core essence of the Sino-British Joint Declaration is about China's resumption of the exercise of sovereignty over Hong Kong. It did not authorise the UK to interfere in Hong Kong's affairs after its return to the motherland. The UK has no sovereignty, jurisdiction or right of supervision over Hong Kong after its return to the motherland. The HKSAR Government strongly urges the UK again to discern facts from fallacies, respect the international law and basic norms governing international relations, and immediately stop interfering in Hong Kong matters, which are purely China's internal affairs."

Laws safeguarding national security

The HKSAR Government spokesman said, "The HKSAR Government strongly opposes the absurd and false contents in the UK's so-called six-monthly report with regard to the laws safeguarding national security in the HKSAR. While the 'black-clad violence' and the Hong Kong version of 'colour revolution' back in 2019 have severely damaged the social stability of Hong Kong, with the promulgation and implementation of the Hong Kong National Security Law (HKNSL), its effect in stopping violence and curbing disorder as well as quickly restoring social stability in the Hong Kong community was immediate. With the concerted efforts of the HKSAR Government, the Legislative Council and all sectors of the community, the HKSAR fulfilled its constitutional duty by enacting the Safeguarding National Security Ordinance (SNSO) last year to improve the legal system and enforcement mechanisms for safeguarding national security, enabling Hong Kong's transition from chaos to order and its advancement from stability to prosperity." However, the UK Government vilified the HKSAR law enforcement, prosecutorial and judicial authorities' performance of their duties in accordance with the law as an 'erosion of rights and freedoms', and continued to unscrupulously distort the

facts to criticise, which just shows its bullying act are utterly ugly and despicable.

"In accordance with international law and international practice based on the Charter of the United Nations, it is each and every sovereign state's inherent right to enact laws safeguarding national security, and it is also an international practice. With at least 14 pieces of laws safeguarding national security in the UK, those remarks by the UK are not only totally distorting and confounding right and wrong, but they also entirely disregard the constitutional duty and practical needs of the HKSAR to legislate, and the positive effects brought by the enactment of the relevant national security legislation on economic development and protection of human rights."

"In fact, the implementation of the HKNSL in the past four years or so has enabled the livelihood and economic activities of the Hong Kong community at large to swiftly resume to normal and the business environment to be restored and improved continuously. In the Economic Freedom of the World 2024 Annual Report, Hong Kong ranks as the world's freest economies among 165 economies. In the World Competitiveness Yearbook 2024, Hong Kong's ranking improved by two places to fifth globally. Hong Kong ranked among the top three international financial centres and the top four initial public offering markets in the world. It is evident that international funds and investments are confident in Hong Kong's development.

"The offences endangering national security stipulated by HKNSL and SNSO target acts endangering national security with precision, and define the elements and penalties of the offences with clarity. The HKSAR law enforcement agencies have been taking law enforcement actions based on evidence and strictly in accordance with the law in respect of the acts of the persons or entities concerned, which have nothing to do with their political stance, background or occupation. Any suggestion that certain individuals or organisations should be immune from legal consequences for their illegal acts is no different from advocating a special privilege to break the law, and this totally runs contrary to the spirit of the rule of law."

"Those absconders hiding in the UK and other western countries are wanted and subject to arrest warrants issued by the court, not because they 'exercised freedom of expression', but because they continue to blatantly engage in activities endangering national security, inciting secession and requesting foreign countries to impose 'sanctions' or blockade and engage in other hostile activities against the People's Republic of China and the HKSAR. More so, they continue to collude with external forces to be covered for their evil deeds. It is therefore necessary to take all lawful measures, including the measures specified under section 89 of the SNSO, to strongly combat the acts of abscondment. Time had been given for the absconders to return to Hong Kong for law enforcement and legal proceedings before the measures were taken. However, these absconders did not cherish the opportunity and did not return to Hong Kong to surrender themselves. The specified measures aim at addressing, combating, deterring and preventing acts of abscondment, and procuring the return of absconded persons to Hong

Kong to face law enforcement and judicial proceedings. In fact, all specified measures including the cancellation of HKSAR passports and eligibility for application align with human rights requirements; and quite a number of countries including the UK would also impose such measures on wanted criminals. It is indeed a demonstration of hypocrisy with double standards by the UK with ulterior motives that, after the HKSAR Government has announced the relevant measures, attack the HKSAR in safeguarding national security dutifully, faithfully and in accordance with the law."

"All cases are handled strictly on the basis of evidence and in accordance with the law. All defendants will receive fair trial strictly in accordance with laws applicable to Hong Kong (including the HKNSL) and as protected by the Basic Law and the Hong Kong Bill of Rights. It is extremely inappropriate for the UK to make unwarranted comments on criminal trials which are ongoing in the HKSAR courts. It is also a complete disregard to the spirit of the rule of law.

"As for prisoners sentenced to imprisonment by the court in accordance with the law, they would not have a right to remission. Non-referral of a prisoner having committed offence endangering national security case to the Post-release Supervision Board is a preventive measure and serves as an adjunct to the rehabilitation of the prisoner. The non-referral does not of itself increase the sentence and should not be regarded as punishment. The court also agreed that the Commissioner of Correctional Services, in performing a function conferred by the Prisons Ordinance and the Post-release Supervision of Prisoners Ordinance, has a duty to safeguard national security and must regard national security as the most important factor and give appropriate consideration to it accordingly. The Correctional Services Department has been handling relevant cases in accordance with the law and established mechanisms. In deciding whether the early release of individual prisoners would be contrary to the interests of national security, the Commissioner will carry out his relevant duties in strict accordance with the laws and deal with every case fairly and impartially.

"As repeatedly stressed by the HKSAR Government, the laws safeguarding national security in the HKSAR are precisely for safeguarding national sovereignty, unity and territorial integrity; and ensuring the full and faithful implementation of the principle of 'one country, two systems' under which the people of Hong Kong administer Hong Kong with a high degree of autonomy. It will also better safeguard the fundamental rights and freedoms of the residents of the HKSAR and other people in the city, including those doing business in Hong Kong. The UK must immediately act reasonably and sensibly, and stop making continuous malicious attacks on the laws safeguarding national security in the HKSAR."

Improved electoral system

The HKSAR Government spokesman pointed out, "The improved electoral system of the HKSAR puts in place legal safeguards to ensure the full implementation of 'patriots administering Hong Kong'. Keeping political power in the hands of patriots is a political rule commonly adopted around the

world. No one in any country or region in the world will ever allow political power to fall into the hands of forces or individuals who do not love, or even sell out or betray, their own country. In Hong Kong, regardless of one's background, whoever meets the requirements and criteria of patriots can participate in elections in accordance with the law and serve the Hong Kong public by entering into the governance structure of the HKSAR after getting successfully elected."

Safeguarding due administration of justice and rule of law

The HKSAR Government spokesman pointed out, "The HKSAR Government safeguards independent judicial power and fully supports the Judiciary in exercising its judicial power independently, safeguarding the due administration of justice and the rule of law. Articles 2, 19 and 85 of the Basic Law specifically provide that the HKSAR enjoys independent judicial power, including that of final adjudication, and the courts of the HKSAR shall exercise judicial power independently, free from any interference. Article 92 of the Basic Law also clearly stipulates that judges and other members of the judiciary of the HKSAR shall be chosen on the basis of their judicial and professional qualities. All judges and judicial officers are appointed by the Chief Executive on the recommendation of an independent commission composed of local judges, persons from the legal profession and eminent persons from other sectors. All judges and judicial officers so appointed will continue to abide by the Judicial Oath and administer justice in full accordance with the law, without fear or favour, self-interest or deceit. Establishing the mechanism for safeguarding national security in the HKSAR will not undermine the independent judicial power. Our judicial system continues to be protected by the Basic Law. When adjudicating cases concerning offence endangering national security, as in any other cases, judges remain independent and impartial in performing their judicial duties, free from any interference.

"The Department of Justice, by virtue of Article 63 of the Basic Law, controls criminal prosecutions, makes independent prosecutorial decisions in accordance with the law, free from any interference. Prosecutions would be instituted by the Department of Justice only if there is sufficient admissible evidence to support a reasonable prospect of conviction, and if it is in the public interest to do so."

"The Judiciary exercises judicial power independently in accordance with the law, and everyone charged with a criminal offence has the right to a fair hearing. The courts decide cases strictly in accordance with the evidence and all applicable laws. Cases will never be handled any differently owing to the profession, political beliefs or background of the persons involved. The prosecution has the burden to prove beyond reasonable doubt the commission of an offence before a defendant may be convicted by the court.

The HKSAR Government spokesman stressed, "The rule of law in Hong Kong is strong and robust, and withstands the test of time. Hong Kong's common law system has been built and maintained over the years by the joint efforts of the judiciary and legal profession, including judges at all levels of courts, and it will not be changed because of the departure of individual overseas

non-permanent judges. When Lord Collins of Mapesbury quitted as non-permanent judges of the Court of Final Appeal of the HKSAR, he had stated that he continued to 'have the fullest confidence in the Court and the total independence of its members'. The Right Honourable Madam Justice Beverley McLachlin also reiterated her 'confidence in the members of the Court, their independence, and their determination to uphold the rule of law'."

Safeguarding rights and freedoms

The HKSAR Government spokesman said, "The HKSAR Government steadfastly safeguards the rights and freedoms enjoyed by Hong Kong people as protected under the law. Since Hong Kong's return to the motherland, human rights in the city have always been robustly guaranteed constitutionally by both the Constitution and the Basic Law. The National Security Law and the Safeguarding National Security Ordinance also clearly stipulate that human rights shall be respected and protected in safeguarding national security in the HKSAR, and that the rights and freedoms, including the freedoms of speech, of the press, of publication, of association, of assembly, of procession and of demonstration, that Hong Kong residents enjoy under the Basic Law and the provisions of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong, shall be protected in accordance with the law. Nonetheless, just as the case with other places in the world, such rights and freedoms are not absolute. The ICCPR also expressly states that some of them may be subject to restrictions as prescribed by law that are necessary for protection of national security, public safety, public order or the rights and freedoms of others, etc."

"In fact, since the implementation of the Hong Kong National Security Law and the Safeguarding National Security Ordinance, the media landscape in Hong Kong has remained vibrant. Like all other places in the world, freedom of the press and speech are not absolute. The media, like everyone else, have an obligation to abide by all the laws. The media continue to enjoy the freedom to comment on and criticise government policies without any restriction, as long as this is not in violation of the law. The most crucial point, which is also recognised in the judgments of the courts of the United Kingdom, is that journalists must act in good faith and on accurate factual basis and provide reliable and precise information in accordance with the tenets of 'responsible journalism' in order to enjoy the protection of their rights to freedom of speech and press freedom."

Enhancing national education

The HKSAR Government spokesman pointed out, "Schools are places for students to learn and grow. It is the obligation of schools to provide a safe and orderly school environment and atmosphere, and to maintain a campus free from political interference or illegal activities, for safeguarding students' well-being. National education has been an important part of the curriculum for primary and secondary schools as well as kindergartens, for deepening our students' understanding of the country's development, the history and culture, the Constitution and the Basic Law, as well as national security, thereby building up cultural confidence to foster a sense of national

identity, and cultivating them into an able and virtuous new generation with a sense of responsibility, visions and love for the country and the city. Teachers are also important role models of their students, playing a vital role in passing on knowledge and nurturing students' character. The HKSAR Government has the responsibility to ensure the professional conduct of teachers. Implementation of national education, including national security education, is the legitimate duty of education authorities all over the world. Different places attach great importance to implementing national security education and developing their students' sense of national identity, including knowledge of their respective constitution, their own history, culture, geography, etc."

"Academic freedom is an important social value treasured in Hong Kong and the cornerstone of our higher education sector. Since the implementation of the National Security Law, academics or post-secondary education institutions in Hong Kong continue to conduct normal exchange activities with their foreign or external counterparts. Meanwhile, post-secondary institutions in Hong Kong have taken a series of measures to incorporate national security education into students' learning in fulfilment of their statutory duty. These institutions enjoy autonomy on curriculum design, and the HKSAR Government encourages the institutions to provide students with diversified learning opportunities on national security education."