

HKSAR Government strongly disapproves and opposes US report on human rights

The Hong Kong Special Administrative Region (HKSAR) Government today (April 23) strongly disapproves and rejects the unfounded and biased content related to Hong Kong contained in the United States (US) Department of State's so-called 2023 Country Reports on Human Rights Practices.

A HKSAR Government spokesperson said, "The HKSAR Government strongly disapproves and opposes the US' repeated tactics through the so-called report in making slandering remarks against Hong Kong, where 'one country, two systems' is successfully implemented. The US is once again overriding the rule of law with politics and politicising human rights issues. Such attempt to undermine the prosperity and stability of Hong Kong and interfere in Hong Kong's law-based governance is doomed to fail."

"Since Hong Kong's return to the motherland, human rights of Hong Kong residents have been firmly protected by the Constitution and the Basic Law. The HKSAR Government resolutely, fully and faithfully implement the Hong Kong National Security Law, the Safeguarding National Security Ordinance and other relevant laws safeguarding national security in the HKSAR, to effectively prevent, suppress and impose punishment for acts and activities endangering national security in accordance with the law, whilst maintaining the common law system, adhering to the principle of the rule of law and upholding the rights and freedoms of Hong Kong residents in accordance with the law, so as to ensure the steadfast and successful implementation of the principle of 'one country, two systems'. The HKSAR Government strongly demands the US to immediately stop acting against international law and the basic norms of international relations and interfering in China's internal affairs and Hong Kong affairs."

On legislation safeguarding national security, the HKSAR Government spokesperson pointed out, "content regarding legislation safeguarding national security in the HKSAR contained in the US' so-called report are completely absurd and untrue. Since the implementation of the Hong Kong National Security Law in June 2020, the US has ignored the large-scale and incessant riots that occurred in 2019 and devastated the society, livelihood and economy of Hong Kong. Instead, it piled up false stories and fabricated narratives through various so-called reports to maliciously slander legislation safeguarding national security in the HKSAR, and blatantly attack the HKSAR in safeguarding national security dutifully, faithfully and in accordance with the law. The US has also deliberately neglected the fact that such laws have enabled the livelihood and economic activities of the Hong Kong community, and as well the business environment, to return to normalcy. Its bullying act and hypocrisy with double standards are utterly ugly and despicable."

"The legal framework in safeguarding national security in the HKSAR, as

well as the Safeguarding National Security Ordinance which was gazetted and took effect last month clearly stipulate that human rights shall be respected and protected in safeguarding national security. The rights and freedoms, including the freedoms of speech, of the press and of publication, and the freedoms of association, of assembly, of procession and of demonstration, enjoyed by Hong Kong residents under the Basic Law and the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to the HKSAR are to be protected in accordance with the law.

"The offences endangering national security stipulated by the Hong Kong National Security Law target acts endangering national security with precision, and define the elements and penalties of the offences with clarity. The prosecution has the burden to prove beyond reasonable doubt that the defendant has the actus reus and mens rea of an offence before the defendant may be convicted by the court. The offences under the Hong Kong National Security Law do not have retrospective effect. This is in line with Article 12 of the Hong Kong Bill of Rights.

"As a matter of fact, it is each and every sovereign state's inherent right to enact laws safeguarding national security, and it is also an international practice. The US has at least 21 pieces of laws safeguarding national security. It is therefore in no position to point its finger at other countries and regions for legitimately legislating to safeguard national security.

"As regards the sedition offence, the courts of the HKSAR have ruled in different cases that the provisions relating to sedition are consistent with the relevant provisions of the Basic Law and the Hong Kong Bill of Rights on the protection of human rights, and that a proportionate and reasonable balance has been struck between safeguarding national security and protection of the freedom of speech. The offence is not meant to silence expression of any opinion that is only genuine criticisms against the Government based on objective facts.

As for enforcement actions, the HKSAR Government spokesperson reiterated, "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, and have nothing to do with their political stance, background or occupation."

"Like law enforcement agencies around the world, the HKSAR's law enforcement agencies released information of fugitive offenders who have allegedly committed serious offences and are wanted, and appealed for the public's assistance in bringing fugitive offenders to justice. This is legitimate, necessary, and squarely in line with international practice. The US often abuses 'long-arm jurisdiction' and unilateral sanctions to target citizens of other countries. Its smears on the HKSAR's enforcement actions taken in accordance with the law are simply untenable.

"On the bail arrangement, the cardinal importance of safeguarding

national security and preventing and suppressing acts endangering national security explains why the Hong Kong National Security Law introduces more stringent conditions to the grant of bail in relation to offences endangering national security. The content against the implementation of the arrangement mentioned in the US' so-called report are nothing but unreasonable smears.

On safeguarding the due administration of justice and the rule of law, the HKSAR Government spokesperson reiterated, "Hong Kong is a society underpinned by the rule of law and has always adhered to the principle that laws must be obeyed and lawbreakers be held accountable. The HKSAR's judicial system has been highly regarded by the international community. The HKSAR Judiciary exercises judicial power independently in accordance with the law, free from any interference. Everyone charged with a criminal offence has the right to a fair hearing."

"As far as legal practitioners are concerned, the right to choice of lawyers is protected by the Basic Law, and it is well-established by case law that such a choice means a right to choose lawyers who are available and entitled to practise in Hong Kong, and not overseas lawyers who are not qualified to practise generally. Amendments to the Legal Practitioners Ordinance in 2023 does not affect the ad hoc admission of overseas lawyers in criminal and civil cases not involving national security. In fact, most jurisdictions do not have similar regimes of ad hoc admission. Relatively speaking, the current ad hoc admission regime in the HKSAR is very open. Any remark that our admission regime qualifies the right to choice of lawyers is not only hypocrisy, but also manifestly without a sound legal basis.

As regards the HKSAR's electoral system, the HKSAR Government spokesperson 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 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."

The spokesperson added, 'this term of Legislative Council has, by way of its rational and constructive interaction with the executive authorities, fully manifested the spirit of 'patriots administering Hong Kong', while a spectrum of different voices in the legislature steadfastly upheld the overall interests of Hong Kong, exemplifying quality democracy. Furthermore, the improved district governance system, including the reformed District Councils, enable patriots who have an affection for Hong Kong and are dedicated to serving their districts to participate in the work of the District Councils through a variety of channels, thereby reflecting public opinion more comprehensively and accurately."

The HKSAR Government spokesperson reiterated, "the HKSAR steadfastly

safeguards national sovereignty, security and development interests, and fully and faithfully lives up to this top priority of 'one country, two systems'. With the strong support from the motherland, and as the city where the global advantage and the China advantage converge under 'one country, two systems', Hong Kong will continue to protect and promote human rights through security, development and co-operation, as well as to tell the international community good stories of the HKSAR's human rights situation in a reasoned and robust manner."