

HKSARG strongly opposes to the United States-China Economic and Security Review Commission report

In response to the report released by the United States-China Economic and Security Review Commission (USCC) (Report) and the unfounded allegations in the Chapter on Hong Kong, a Hong Kong Special Administrative Region (HKSAR) Government spokesman said today (November 18):

"We strongly condemn and oppose to the various unfounded allegations made by the USCC in the Report. The HKSAR Government once again urges the United States (US) to respect the international law and basic norms governing international relations. Any attempts to interfere in the internal affairs of China through Hong Kong will not succeed and we will continue to discharge our responsibility of safeguarding the national security resolutely."

The Hong Kong National Security Law

"Following the implementation of the Hong Kong National Security Law (NSL), chaos has been stopped and stability restored in Hong Kong. The NSL ensures the resolute, full and faithful implementation of the policy of 'one country, two systems'. Hong Kong's high degree of autonomy remains protected and the legitimate rights and freedoms enjoyed by Hong Kong people under the Basic Law are well-protected. The NSL clearly stipulates that human rights shall be respected and protected in safeguarding national security in the HKSAR, and the rights and freedoms enjoyed by 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 Hong Kong shall be protected in accordance with the law. The four categories of offences endangering national security clearly stipulated under the Hong Kong National Security Law are narrowly defined. There is no question of law-abiding persons inadvertently violating the law."

Business Environment

"In fact, the NSL has not only ensured a safe and stable environment in Hong Kong, but also reinforcing Hong Kong's position as an international financial centre and is conducive to attracting more global investors to do business and invest in Hong Kong. Since the implementation of the NSL, our financial market has remained steady. The banking sector is as robust as ever, financial services remain promising and development opportunities, both in Hong Kong and on the Mainland, continue to open up. Hong Kong was ranked the world's third-largest recipient of foreign direct investment in the World Investment Report 2021 published by the United Nations Conference on Trade and Development. And according to the latest surveys, there are 9 049 companies in Hong Kong with parent companies overseas or on the Mainland, increased by 10 per cent from 2017, as well as 3 755 start-ups in the city, a

jump of 68.5 per cent from 2017."

"Despite the deplorable attempt of the US Government to put pressure on multinational enterprises operating in Hong Kong by issuing a 'business advisory' in July 2021, the American Chamber of Commerce remarked that Hong Kong remained a critical and vibrant facilitator of trade and financial flows between China and the rest of the world; the NSL did not impact commercial law; Hong Kong had excellent infrastructure and free flow of information and was still an ideal place for international companies to do business; it would definitely not advise companies to withdraw from the Hong Kong market. These comments are the best testimony to the merits of Hong Kong as a business place."

"The HKSAR Government strongly opposes the USCC's recommendation concerning reporting on Hong Kong's compliance with World Trade Organization (WTO) rules. As a separate customs territory, our rights as a WTO Member in the name of 'Hong Kong, China' are not subject to unilateral determination by any country. As one of the founding Members and a staunch supporter of the WTO, Hong Kong takes its rights and obligations in the WTO seriously. In the latest WTO Trade Policy Review conducted in 2018, Hong Kong was commended for its free and open trade policies and its unwavering support for the rules-based multilateral trading system. In contrast, the world bears witness to the continuous attempts of the US to unilaterally and irresponsibly undermine the rules-based multilateral trading system."

Improving the Electoral System

"We must seriously point out the Report's unfounded allegations against the improvement to the electoral system. To ensure that the electoral system of the HKSAR accords with the principle of 'one country, two systems' and the actual situation of the HKSAR, and that the principle of 'patriots administering Hong Kong' can be fully implemented, which is conducive to safeguarding the Country's sovereignty, security, and development interests, and maintaining Hong Kong's long-term prosperity and stability, the improvement to the electoral system of the HKSAR is both timely and necessary. The HKSAR Government is committed to ensuring public elections being conducted in a fair, open and honest manner."

National Security Education

"The allegation made in the Report regarding a HKSAR Government Circular on national security education directed at the universities is false. The relevant circular is only applicable to secondary and primary schools as well as kindergartens. As a matter of fact, post-secondary education institutions in the HKSAR are independent organisations. While enjoying autonomy on institutional affairs (including the handling of matters concerning student unions), the post-secondary education institutions have the responsibility to make sure their operations are in compliance with the law and meet the interests of the community at large. The NSL requires schools, including post-secondary education institutions, to promote national security education. As such, the institutions are promoting national security

education in accordance with the relevant statutory requirements and based on the principle of institutional autonomy to fulfil their obligation of safeguarding national security."

"Article 137 of the Basic Law of the HKSAR specifically and clearly states that educational institutions of all kinds may retain their autonomy and enjoy academic freedom. These safeguards provided in accordance with the Basic Law have not been altered in any way and remain in full force."

"Teachers are role models of their students. The Education Bureau has the responsibility to ensure the professional conduct of teachers. We would cancel the registration of seriously misconducted teachers in order to safeguard students' wellbeing, uphold the professionalism of teachers and maintain the society's confidence in the teaching profession. We should also cease any working relations with teachers' organisation that engages in political propaganda and even engages schools in politics under the guise of being a professional education organisation."

"Schools are places for students to learn and grow. It is the obligation of schools to provide a peaceful and orderly school environment and atmosphere, and to maintain a campus free from political interference or illegal activities. Implementation of national education, including national security education, is the legitimate duty of education authorities all over the world. Different places have different approaches to implement national security education and develop their students' sense of national identity, including knowledge of their own history, culture, respective constitution, geography, etc. National education is all along an important part of our secondary and primary school curriculum for nurturing our students to become quality citizens who are socially responsible and equipped with a sense of national identity, love for Hong Kong and international perspectives."

"We deeply regret that there exist double standards, biased quotes and groundless comments due to the lack of understanding of and respect for Hong Kong's implementation of national education."

Prosecution and Adjudication

"We take exception to the Report's unreasonable questions towards the prosecutorial decisions and judicial independence of the HKSAR. Article 63 of the Basic Law stipulates that prosecutions in the HKSAR are made by the Department of Justice, free from any interference. Prosecutorial decisions are based on an objective assessment of all admissible evidence, applicable laws and the Prosecution Code, without political considerations. Prosecutions would only be commenced if there is sufficient admissible evidence to support a reasonable prospect of conviction. No one should interfere with independent prosecutorial decisions which are carried out strictly in accordance with the law."

"That the courts of the HKSAR can exercise independent judicial power, including that of final adjudication free from any interference, has been enshrined under the Basic Law as set out in Articles 2, 19 and 85. 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. The constitutional duty of judges, in the exercise of their judicial power, is to apply the law and nothing else. Such duty does not change when judges decide cases arising from or involving political controversies."