

HKSAR Government strongly disapproves and firmly opposes United States report on human rights

The Hong Kong Special Administrative Region (HKSAR) Government today (March 21) strongly disapproved of and firmly rejected the unfounded remarks and smears contained in the United States (US) Department of State's so-called 2022 Country Reports on Human Rights Practices in respect of the Hong Kong National Security Law (NSL), Hong Kong's improved electoral system, situation of human rights and rule of law etc.

A HKSAR Government spokesperson said, "The HKSAR is an inalienable part of the People's Republic of China (PRC). We are a local administrative region that enjoys a high degree of autonomy under 'one country, two systems' and comes directly under the Central People's Government. The legal basis for implementing 'one country, two systems' is the Constitution and the Basic Law which provide constitutional guarantee for fundamental rights and freedoms, including the right to equality before the law, and is buttressed by the rule of law and independent judicial power."

The spokesperson stressed, "The HKSAR Government steadfastly safeguards national sovereignty, security and development interests, and upholds the authority of the NSL. It resolutely carries out its duties and obligations to safeguard national security in accordance with the law, and upholds the rights and freedoms enjoyed by Hong Kong people as protected under the law, so as to ensure the steadfast and successful implementation of 'one country, two systems'. By issuing the so-called annual report, the US again made despicable tricks, which override law by politics, with an attempt to undermine the prosperity and stability of Hong Kong by politicising human rights issues and slandering the human rights situation and rule of law in the city. It will only expose its own weakness and faulty arguments and be doomed to fail. The HKSAR Government again strongly urges the US to immediately stop using human rights as an excuse to interfere into the internal affairs of the HKSAR of the PRC."

Hong Kong's Improved Electoral System

The HKSAR Government spokesperson said, "The HKSAR Government deplores the erroneous statement in the so-called report on Hong Kong's improved electoral system and the 2022 Chief Executive Election. The improved electoral system of the HKSAR puts in place legal safeguards to ensure full implementation of 'patriots administering Hong Kong'. Loyalty to one's country is a politician's most basic political ethics, and a universally applicable and steadfastly upheld principle and standard. As such, 'patriots administering Hong Kong' is an unalterable principle. 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 Election Committee comprises 1 500 members from different sectors and classes of Hong Kong community. It goes beyond the vested interests of specific sectors, specific district and specific groups. The improved electoral system is to enhance the balanced and orderly political participation by the community and ensure broader representation in the political structure of Hong Kong. The reconstituted Election Committee is broadly representative, and its composition best demonstrates the balanced and orderly political participation. Coupled with the creation of a Candidate Eligibility Review Committee to ensure that candidates comply with the 'patriot' requirement, a new democratic electoral system according to the actual situation of Hong Kong and with Hong Kong characteristics is established.

"Hong Kong residents' rights to vote and to stand for election are well enshrined in the Basic Law. The Decision of the National People's Congress of the PRC in March 2021 did not revise the ultimate aim of attaining universal suffrage provided for in Articles 45 and 68 of the Basic Law. The improved electoral system, by ensuring 'patriots administering Hong Kong' and safeguarding the overall interests of society, is conducive to the stable development of Hong Kong's democracy."

Hong Kong National Security Law

"The HKSAR Government rebuked that the remarks on the NSL in the so-called report amount to fact twisting and political smearing, which are totally groundless and cannot be further from the truth," the HKSAR Government spokesperson said.

"Article 4 of the NSL has clearly stipulated that human rights shall be respected and protected in safeguarding national security in the HKSAR; the rights and freedoms which the residents of Hong Kong enjoy under the Basic Law and the provisions of the international covenants as applied to Hong Kong shall be protected in accordance with the law. Any measures or enforcement actions taken under the NSL must observe the above principle, and Hong Kong residents continue to enjoy various rights and freedoms, including the freedom of expression, freedom of assembly, freedom of association, freedom of movement, academic freedom, and enjoyment of cultural rights, etc., after the implementation of the NSL.

"The Standing Committee of the National People's Congress' interpretation on the NSL did not confer additional power on the Chief Executive, and only clarified that Article 47 of the NSL is applicable in handling the controversy concerning overseas lawyers. The certification system is fair and reasonable, with a solid legal basis.

"In addition, the HKSAR Government also strongly objected to the unfounded and false remarks in the so-called report on the law enforcement actions taken by the HKSAR Government. All law enforcement actions taken by Hong Kong law enforcement agencies are 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.

"Regarding the bail arrangement, the cardinal importance of safeguarding national security and preventing and suppressing acts endangering national security explains why the NSL introduces more stringent conditions to the grant of bail in relation to offences endangering national security.

"Apart from providing that the principle of the rule of law shall be adhered to, Article 5 of the NSL 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. Moreover, trial by a panel of three judges instead of by a jury under specified circumstances seeks to safeguard rather than undermine the defendants' right to a fair trial, and judges will deliver the reasons for the verdicts to ensure open justice."

Due Administration of Justice and the Rule of Law

In response to the so-called report's smearing on independent judicial power in Hong Kong, the HKSAR spokesperson stressed, "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 held accountable. Hong Kong's judicial system has always been highly regarded by international communities. The 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 guaranteed by the Basic Law and the Hong Kong Bill of Rights, all defendants charged with a criminal offence have the right to and will undergo a fair hearing by the Judiciary. 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."

Conditions of Prisons and Detention Centres

In response to the false information in the so-called report by the US on the conditions of prison and detention centres, the HKSAR Government spokesperson said, "The Correctional Services Department (CSD) is committed to providing a secure, safe, humane, decent and healthy custodial environment for persons in custody (PICs). The rights of PICs are safeguarded through a system of regular visits by independent visitors, namely Justices of the Peace (JPs), who are vested with the statutory duties to inspect the prisons once or twice every month. PICs may approach visiting JPs or lodge complaints through other channels including the CSD's Complaints Investigation Unit and the Ombudsman. All complaints by PICs will be handled in an open, fair and just manner."

Freedom of Assembly

In response to the presumptuous claims in the so-called report by the US, alleging the HKSAR Government banned public assembly based on public health concerns, the HKSAR Government spokesperson pointed out, "The freedom of assembly and freedom of procession in Hong Kong are fully protected by the Basic Law and the Hong Kong Bill of Rights Ordinance. However, such freedoms are not absolute or unrestricted. In response to COVID-19, similar to the measures adopted by many overseas jurisdictions, the HKSAR Government had put in place restrictions on group gatherings in public places so as to reduce the risks of spreading in the community, which poses serious threat to lives and health of the public. No political considerations had ever come into play. In light of the epidemic development, the relevant restriction had already been withdrawn by the end of 2022."

Rights to Form and Join Trade Unions

Regarding the unfounded statement in the so-called report by the US on freedom of association in Hong Kong, the HKSAR Government spokesman pointed out, "Hong Kong residents enjoy the right and freedom to form and join trade unions. Such right and freedom is clearly protected by Article 27 of the Basic Law and under local legislation, including the Trade Unions Ordinance. Trade union rights in Hong Kong are strong and intact as ever, which is evidenced by the marked increase in the number of registered trade unions from 2019 to 2022. It is crystal clear that the free exercise of the right and freedom of association in the Hong Kong has not been jeopardised in any way.

"The HKSAR Government is dedicated to defending and protecting the right and freedom of association in Hong Kong. One must draw a clear difference between legitimate trade union activities protected under our law and unlawful acts that have nothing to do with the exercise of trade union rights. It is the duty of Hong Kong law enforcement authorities to take legitimate actions against unlawful behaviours, which should not be wrongfully alleged as an affront to trade union rights."

Handling of Non-refoulement Claims

The HKSAR Government spokesman said, "The HKSAR Government maintains a firm policy of not granting asylum and not determining or recognising refugee status of any person. A Unified Screening Mechanism (USM) has been put in place to screen non-refoulement claims on all applicable grounds in one go. The procedures of the USM meet the high standards of fairness as required by law and compare most favourably with those adopted in other common law jurisdictions. Each non-refoulement claimant is also provided with publicly-funded legal assistance.

"The Immigration (Amendment) Ordinance 2021, which took effect from August 1, 2021, has further improved the handling of non-refoulement claims including enhancing efficiency in screening by the Immigration Department and preventing delaying tactics.

"Non-refoulement claimants have no lawful status to stay in Hong Kong.

Regardless of the outcome of their non-refoulement claims, claimants are not permitted to remain legally in Hong Kong and they have no right to work in Hong Kong. In those circumstances where it is necessary to detain non-refoulement claimants in accordance with the relevant statutory provisions, legal principles established by the Court and the prevailing detention policy, they are provided with adequate facilities and reasonable arrangements for their comfort are also made. The HKSAR Government also provides humanitarian assistance to them for sustaining their livelihood in Hong Kong."

Labour Department highly concerned about fatal work accident that happened today

The Labour Department (LD) is highly concerned about a fatal work accident that happened at a construction site in Sau Mau Ping (Construction of Public Housing Development at Anderson Road Quarry Site RS-1) this morning (March 21), in which a male worker, while conducting debris clearance work on 15/F of a building under construction, fell onto 1/F. He was certified dead later in the hospital. The LD is saddened by the death of the worker and expresses its deepest sympathy to his family.

The LD's spokesman said, "We commenced an immediate on-site investigation as soon as we were notified of the accident and issued a suspension notice to the contractor concerned, suspending any work near the buildings' edges on the site that may expose workers to risks of falling from height. The contractor cannot resume the work process until the LD is satisfied that measures to abate the relevant risks have been taken."

The spokesman added, "We will complete the investigation as soon as possible to identify the cause of the accident, ascertain the liability of the duty holders and recommend improvement measures. We will take actions pursuant to the law if there is any violation of the work safety legislation."

The general duty provisions of the Factories and Industrial Undertakings Ordinance require employers to provide safe working environments, plant and systems of work for their employees. Those who contravene the above provisions are liable to a maximum fine of \$500,000 and imprisonment for six months.

In regard to today's accident, the LD will issue a Work Safety Alert through its website and by email, giving a brief account of the accident concerned to duty holders, workers' unions, professional bodies of safety

practitioners and others, and reminding the industry of the importance of following safety precautionary measures to prevent a recurrence of similar accidents.

The LD will also remind the employer concerned of the liability for employees' compensation under the Employees' Compensation Ordinance, assist family members of the deceased to claim employees' compensation and closely follow up on the case. For those with financial difficulties, the LD will assist them to apply for appropriate emergency funds. Subject to the needs and wishes of family members of the deceased, the LD will also liaise with the Social Welfare Department for financial or other assistance.

For the sake of securing the safety and health of employees at work, the LD appeals to employers to provide plant and systems of work that are safe and without risks to health. Employees should co-operate with their employers, adopt all safety measures and use personal protective equipment provided properly to avoid endangering their own work safety and that of other workers.

[CHP investigates outbreak of acute gastroenteritis at primary school in Tuen Mun](#)

The Centre for Health Protection (CHP) of the Department of Health (DH) is today (March 21) investigating an outbreak of acute gastroenteritis (AGE) at a primary school in Tuen Mun, and hence reminded the public and management of institutions to maintain personal and environmental hygiene against AGE.

The outbreak involves 41 students, comprising 26 males and 15 females aged 6 to 9. Twenty-seven of them sought medical attention, one of whom required hospitalisation, and has been discharged after management. The stool specimen of the hospitalised student tested positive for norovirus.

According to the CHP's epidemiological investigation, one of the students in the outbreak had vomited in the school playground earliest on March 15 and another student vomited on one of the floors on March 17. Other students developed vomiting and diarrhoea from March 18 to 19. The CHP also confirmed that the affected students did not consume common food or meal boxes, and the investigation results revealed that there was an outbreak of AGE caused by norovirus in the affected school, with a higher chance of person-to-person transmission or environmental contamination. The chance of involving food poisoning is relatively low.

Officers of the CHP have conducted a site visit and provided health

advice to the staff of the school concerning proper and thorough disinfection, proper disposal of vomitus, and personal and environmental hygiene. The school has been put under medical surveillance.

Investigations are ongoing.

A spokesman for the CHP advised members of the public to take heed of the following preventive measures against gastroenteritis:

- Ensure proper personal hygiene;
- Wash hands thoroughly before handling food and eating, after using the toilet or after changing diapers;
- Wear gloves when disposing of vomitus or faecal matter, and wash hands afterwards;
- Clean and disinfect contaminated areas or items promptly and thoroughly with diluted household bleach (by adding one part of bleach containing 5.25 per cent sodium hypochlorite to 49 parts of water). Wash hands thoroughly afterwards;
- Maintain good indoor ventilation;
- Pay attention to food hygiene;
- Use separate utensils to handle raw and cooked food;
- Avoid food that is not thoroughly cooked;
- Drink boiled water; and
- Do not patronise unlicensed food premises or food stalls.

The public may visit the CHP's website (www.chp.gov.hk) or call the DH's Health Education Infoline (2833 0111) for more information.

[Outcome of 2023 review of MTR Fare Adjustment Mechanism](#)

The Government and the MTR Corporation Limited (MTRCL) have completed the review of the MTR Fare Adjustment Mechanism (FAM). The Executive Council approved the outcome of the review today (March 21). The enhanced FAM will take effect starting from June this year.

Speaking at the press conference today, the Secretary for Transport and Logistics, Mr Lam Sai-hung, said that the Government is clear in its review objectives to strike a balance between different considerations and needs, with a view to enhancing the FAM to bring about fare moderation for the public and strengthen the linkage between MTR fares and the Corporation's profit and service performance, as well as taking into account the long-term financial sustainability of the MTRCL, in order for it to reserve adequate resources to cope with the increasing expenses on railway maintenance and asset renewal, and co-operate with the Government in taking forward new

railway projects that are beneficial to the society. The enhanced FAM and its related arrangements have the following key features:

(1) to link MTR fares directly with its Hong Kong property development (HKPD) profits through revising the calculation method of the Productivity Factor (PF) in the FAM formula (Note), in order to respond to the ongoing demands from the public and lower the fare base of the MTRCL in the long run to benefit all passengers.

Revised arrangement for PF:

HKPD Profit in the Previous Year	Productivity Factor
<\$5 billion	0.6%
≥\$5 billion to <\$10 billion	0.7%
≥\$10 billion	0.8%

Note: Overall fare adjustment rate = (0.5 × year-on-year change in Composite Consumer Price Index) + (0.5 × year-on-year change in Nominal Wage Index (Transportation Section) (Wage Index)) – PF

Based on the HKPD profit of the MTRCL in 2022, the fare adjustment rate this year would be lowered by 0.8 percentage point accordingly;

(2) the MTRCL to offer a 1.2 per cent special fare reduction for the fare adjustment this year, in order to offset over 40 per cent of the 2.85 per cent unrecouped fare adjustment rate due to the "Affordability Cap" arrangement. The remaining 1.65 per cent recoupment will continue to be deferred. Further, the MTRCL will defer implementing another 0.2 per cent of the fare increase rate this year. In other words, a total of 1.85 per cent fare increase rate would be deferred, so as to further reduce the fare burden of passengers as the economy gradually recovers;

(3) to increase the amount to be set aside for incidents that cause disruptions of more than three hours and the maximum amount to be set aside per incident under the Service Performance Rebate (SPR), as well as introduce a peak hour multiplier to more duly reflect the impact of train service disruptions on passengers. Details are set out in the Annex.

Once the amount set aside under SPR reaches \$25 million, the MTRCL will arrange a Special Fare Day to take place on a specific Saturday or Sunday when passengers can pay half price for taking the MTR.

Under the new arrangement, the MTRCL shall set aside \$103 million for incidents that took place in 2022 to provide four Special Fare Days;

(4) to enhance and extend various fare concessions, including raising the MTR-Green Minibuses interchange discount from \$0.3 per trip to \$0.5 per trip, and extending the MTR City Saver and Monthly Pass-related concessions, in order to continue to benefit different passenger groups; and

(5) to retain the existing "Affordability Cap" arrangement under the FAM to keep fare adjustments in check.

Mr Lam emphasised that the Government has achieved a breakthrough in the current review to link MTR fares directly to its property development profit, thereby responding to the perennial calls from the community. Adopting a result-oriented approach, the fare adjustment rate this year will be lowered by 3.85 percentage point, including the reduction of 0.8 per cent under the revised PF, 1.2 per cent special fare reduction and the total of 1.85 per cent deferral of fare adjustment, thus significantly reducing the fare burden on passengers.

The actual fare adjustment rate this year will be finalised when the Census and Statistics Department announces the Wage Index at the end of this month.

[Appeal for information on missing woman in Ngau Tau Kok \(with photo\)](#)

Police today (March 21) appealed to the public for information on a woman who went missing in Ngau Tau Kok.

Yu Jiali, aged 31, went missing after she left her residence in Ping Shek Estate yesterday noon (March 20). Her family made a report to Police on the same day.

She is

She is about 1.55 metres tall, 55 kilograms in weight and of medium build. She has a round face with yellow complexion and long black straight hair. She was last seen wearing a green T-shirt, grey trousers, gold glasses and carrying a green crossbody bag.

Anyone who knows the whereabouts of the missing woman or may have seen her is urged to contact the Regional Missing Persons Unit of Kowloon East on 3661 0335 or 9886 0060 or email to rmpu-ke-2@police.gov.hk, or contact any police station.

