

HKSAR Government firmly opposes UK report

The Hong Kong Special Administrative Region (HKSAR) Government made the following response today (June 12) to the Six-monthly Report on Hong Kong (July to December 2019) issued by the United Kingdom Foreign and Commonwealth Office (the Report):

The HKSAR Government reiterated its firm commitment to the implementation of the "one country, two systems" principle in accordance with the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (Basic Law). We firmly oppose and express deep regret over the Report's inaccurate and biased remarks on the national security law and the high degree of autonomy enjoyed by the HKSAR.

The spokesman of the HKSAR Government said, "Since the return to the Motherland, the HKSAR has maintained stability and prosperity under the principle of 'one country, two systems', and implemented 'Hong Kong people administering Hong Kong' and a high degree of autonomy in strict accordance with the Basic Law.

"According to Article 1 of the Basic Law, the HKSAR is an inalienable part of the People's Republic of China (PRC). Article 12 of the Basic Law stipulates that the HKSAR shall be a local administrative region of the PRC which shall enjoy a high degree of autonomy and come directly under the Central People's Government (CPG). The implementation of the 'one country, two systems' policy in the HKSAR is entirely the internal affairs of the PRC. Every other state has no right to intervene, directly or indirectly, in those internal affairs.

"It is absolutely wrong and totally groundless for the Report to allege that the enactment of the national security law for the HKSAR by the Central Authorities 'lie[s] in direct conflict' with Article 23 of the Basic Law. In accordance with Article 23 of the Basic Law, the HKSAR is authorised to legislate national security laws. However, it does not preclude the Central Authorities from legislating at a state level for national security. Legislating on national security is within the purview of the Central Authorities and is outside the limits of the autonomy of the HKSAR. In view of the current situation in Hong Kong and the difficulty faced by the HKSAR to complete on its own legislation for safeguarding national security in the foreseeable future, the Central Authorities have the right and duty to introduce a national law to improve at the state level the legal framework and enforcement mechanisms for national security for the HKSAR.

"The Decision adopted by the National People's Congress (NPC) on establishing and improving the legal system and enforcement mechanisms for the HKSAR to safeguard national security (the Decision) is within the power and authority of the NPC. The national security law to be formulated by the Standing Committee of the NPC in accordance with the Decision aims to

prevent, stop and punish acts and activities to split the country, subvert state power, organise and carry out terrorist activities and other behaviour that seriously endanger national security, as well as activities of foreign and external forces to interfere in the affairs of the HKSAR. It will only target an extremely small minority of criminals.

"The national security law helps better protect the legitimate rights and freedoms of Hong Kong people, restore stability in Hong Kong, and safeguard the long-term prosperity and stability of the city. Any allegation that the law will undermine Hong Kong people's freedoms and 'one country, two systems' is no more than alarmist speculation and simply fallacious.

"The national security law will neither undermine 'one country, two systems' nor change the executive, legislative and independent judicial power, including that of final adjudication, enjoyed by the HKSAR. There will be no impact on the various rights and freedoms enjoyed by Hong Kong people in accordance with the law. The national security law will create favourable conditions for strengthening the foundation of the successful implementation of 'one country, two systems' and ensuring the long-term prosperity and stability of Hong Kong.

"The Report alleged that China and the HKSAR Government had sought to characterise the protests as primarily socio-economic, rather than political, in nature and blamed 'foreign forces' for instigating the unrest. In fact, notwithstanding that the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 was formally withdrawn at the Legislative Council meeting on October 23, 2019, Hong Kong has been besieged by escalating violence since June 2019. The emergence of incidents involving explosives and firearms has posed risks of terrorism, seriously jeopardising public safety. In addition, organisations advocating 'Hong Kong independence' and 'self-determination', allegedly supported by foreign or external forces, have incited protesters, especially young people, to challenge the authority of the Central Authorities and the HKSAR Government. These are the facts on the ground. The Police have a statutory duty to take appropriate actions to maintain law and order and safeguard public safety, so as to protect the life and property of the general public, bring offenders to justice and restore public order as soon as possible."

The spokesman supplemented that, "The Independent Police Complaints Council (IPCC) submitted the 'Thematic Study Report on the Public Order Events (POEs) arising from the Fugitive Offenders Bill since June 2019 and the Police Actions in Response' to the Chief Executive (CE) on May 15. The IPCC is a statutory independent organisation comprising 26 members drawn from different professional sectors in the community, of whom eight (including the Chairman) are from the legal sector, two from the medical sector, two are accountants, one is an engineer, one is a surveyor, and other members are from the education, banking, finance, transport, commercial, public services and philanthropic sectors. The IPCC had examined a large volume of information obtained from different channels including the media, social media platforms and members of the public in order to ascertain and state the facts impartially in the Thematic Study Report for gaining a broad picture of the POEs. Amongst the information examined were 22 533 video clips and 23 550

photos. The fact-based report is comprehensive and objective, in which IPCC has also proposed 52 recommendations to the HKSAR Government. The CE has accepted all the recommendations in the report. The Secretary for Security has set up a task force and will supervise it personally to carefully study and effectively follow up on every recommendation. The Task Force would regularly submit work progress to the CE. The Police must also report to and discuss with IPCC its follow-up actions in accordance with the mechanism under the IPCC Ordinance.

The spokesman stressed, "Hong Kong has a well-established and fair criminal judicial system. Article 63 of the Basic Law provides that the 'Department of Justice of the HKSAR shall control criminal prosecutions, free from any interference'. The prosecutors have always been discharging this constitutional duty independently and professionally, without fear or favour. Prosecutorial decisions are based on an objective assessment of admissible and reliable evidence and applicable laws, made strictly in accordance with the Prosecution Code which is available to the public. Cases will not be handled any differently owing to the political beliefs, demands or backgrounds of the persons involved.

"Pursuant to the constitutional safeguards laid down in the Basic Law, the HKSAR has a well-established legal system and rule of law tradition as well as an independent judiciary and has continued to apply the common law system with which the international business community is familiar. The HKSAR Government is committed to safeguarding the rule of law and judicial independence in Hong Kong, which has been affirmed by the relevant reports issued by various international ranking institutions. For instance, the latest Rule of Law Index 2020 released by the World Justice Project, in which Hong Kong maintains its ranking as No. 5 in the East Asia and Pacific Region and No. 16 globally, has clearly affirmed Hong Kong's commitment."

The spokesman reiterated that foreign governments, legislatures and politicians should not interfere in any form in the internal affairs of the HKSAR.