

# HKSAR Government firmly rejects and strongly disapproves of European Parliament's resolution

The Hong Kong Special Administrative Region (HKSAR) Government today (November 28) firmly rejects and strongly disapproves of the groundless attacks, malicious slanders and smears against various aspects of the HKSAR in the so called resolution on Hong Kong passed by the European Parliament.

A Government spokesman solemnly pointed out, "We strongly condemn any suggestion of imposing unilateral sanctions on any officials of the HKSAR Government based on groundless accusation with no factual basis. The officials will not be threatened by such barbaric and despicable acts.

Hong Kong National Security Law and Safeguarding National Security Ordinance

All countries in the world are duty bound to safeguard their national security, and the HKSAR, as an inalienable part of the People's Republic of China, is no exception. The Hong Kong National Security Law and the Safeguarding National Security Ordinance are compatible and complementary, jointly establishing a comprehensive and effective legal system for safeguarding national security and ensuring the effective protection of national security. This gives full play to institutional advantages, building a strong line of defence to maintain security and stability in the HKSAR, as well as providing solid institutional safeguards to promote good governance. Implementation of relevant legislation has enabled the livelihood and economic activities of the Hong Kong community, and as well the business environment, to return to normalcy. People living, and businesses operating, in Hong Kong have experienced the major transition from chaos to order herein.

Press freedom

Hong Kong citizens enjoy freedom of the press and freedom of speech as protected under the Basic Law and the Hong Kong Bill of Rights. In fact, the Hong Kong National Security Law and the Safeguarding National Security Ordinance clearly stipulate that human rights shall be respected and protected in safeguarding national security. The rights and freedoms, including the freedoms of the press, of speech and of publication, enjoyed by Hong Kong people 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 applicable to the HKSAR, are protected in accordance with the law.

Like all other places in the world, such rights and freedoms are not absolute. Journalists, like everyone else, have an obligation to abide by all the laws. Their freedom of commenting on and criticising government policies

remains uninhibited as long as they do not violate the law. The court, in its reasons for verdict in a recent case of 'conspiracy to publish seditious publication', has analysed in detail the duties and responsibilities of the media, specifically highlighting that, according to Article 19(3) of the ICCPR, when the media and relevant personnel publish opinions, information and articles, they must observe and discharge 'special duties and responsibilities', including protection of national security or public order, or of public health or morals.

The court further cited precedents from the European Court of Human Rights regarding press freedom, pointing out that the European Convention on Human Rights does not guarantee a wholly unrestricted freedom of speech even with respect to press coverage on matters of serious public concern. The most crucial point 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.

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.

#### Fair and timely trial

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, paying no regard to their political stance, background or occupation of the person or organisation involved. Any suggestion that certain individuals or organisations should be immune from legal consequences for their illegal acts, including those involving collusion with foreign or external forces, 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.

As guaranteed by the Basic Law and the Hong Kong Bill of Rights, all defendants charged with a criminal offence shall have the right to a fair trial by the judiciary exercising independent judicial power. The Basic Law also provides that the courts of the HKSAR shall exercise judicial power independently, free from any interference.

The Correctional Services Department (CSD) is committed to ensuring that the custodial environment is secure, safe, humane, appropriate and healthy, and have put in place established mechanism to ensure the rights of persons-in-custody (PICs) are protected, including arrangement of regular inspection of independent visitors, namely Justices of the Peace. Adequate medical care is also provided in all institutions. The HKSAR Government emphasised that the CSD adopts the above arrangements when handling matters related to inmate Lai Chee-ying, which is the same as other PICs.

In the interests of a particular prisoner or for the maintenance of good order and discipline, the Commissioner of Correctional Services is empowered to make arrangements under section 68B of the Prison Rules that such prisoner

should not associate with other prisoners (i.e. the so-called 'solitary confinement'). One of the purposes of the relevant arrangement is to ensure the personal safety and well-being of the PIC, which can be requested by the PIC themselves and approved by the Commissioner after considering the matter in accordance with the law; or the Commissioner may make such arrangements after considering the relevant factors in accordance with the legal requirements and procedures. It must be clarified that the arrangement for Lai Chee-ying's removal from association from other PICs has been made at his own request and approved by the CSD after considering all relevant factors in accordance with the law all along.

All cases concerning offence endangering national security will be handled in a fair and timely manner by the law enforcement, prosecution and judicial authorities of the HKSAR as required by Article 42(1) of the Hong Kong National Security Law. The time taken between the institution of prosecution and the completion of trial of each case depends on a multitude of factors. The prosecution and defence will adhere to any direction given by the court to ensure a timely trial.

In accordance with international law and international practice based on the Charter of the United Nations, safeguarding national security is an inherent right of all sovereign states. Many common law jurisdictions, including the United States, the United Kingdom and Canada, have enacted multiple pieces of legislation to safeguard national security. Turning a blind eye to the facts and making exaggerated remarks, the European Parliament has grossly interfered in China's internal affairs and Hong Kong's affairs, demonstrated typical despicable political manipulation and hypocrisy with double standards. The HKSAR despises the so called 'sanctions' and will not be intimidated. The HKSAR will continue to resolutely discharge the duty of safeguarding national security, and urges them to stop any untruthful reporting on and malicious smearing of the relevant judgment.

## Trade

Hong Kong, being one of the most open economies in the world, firmly supports free and open trade, and a multilateral trading system. This year, Hong Kong has once again been recognised as the world's freest economy. We strongly oppose any trade measures imposed out of political motives. The status of Hong Kong being a separate customs territory is guaranteed under Article 116 of the Basic Law, it cannot be revoked by any outside party.

Hong Kong and the European Union (EU) are important trading partners. The total value of bilateral merchandise trade reached HK\$510 billion in 2023. Hong Kong and the EU have been collaborating over the years, and any malicious acts that undermine the mutually beneficial relations would harm the interests of the EU and its companies.

The HKSAR Government has been establishing and maintaining economic and trade relations with places around the world in accordance with the 'one country, two systems' principle and has, pursuant to Article 156 of the Basic Law and legislation of the host countries, set up 14 overseas Hong Kong Economic and Trade Offices (ETOs) as the official representatives of the

HKSAR, including the one established in Brussels, Belgium which is the official representation of the HKSAR Government to the EU and 15 countries in Europe.

The ETO in Brussels has been operating in accordance with local legislation and maintaining close liaison with interlocutors in governments, business, think tanks and various sectors to consolidate and enrich the ties of Hong Kong and the EU in different areas such as trade, investment, and arts and culture. The ETO in Brussels will continue to promote Hong Kong's unique advantages, tell the good stories of Hong Kong and, where necessary, refute erroneous reports and clarify misconceptions, so as to foster economic and trade relations and co-operation on different fronts between Hong Kong and the EU on a mutually beneficial basis."