

HKSAR Government resents double standards and hypocrisy in joint statement by five foreign ministers

A spokesman for the Hong Kong Special Administrative Region (HKSAR) Government today (August 10) firmly opposes the joint statement by the foreign ministers of Australia, Canada, New Zealand, the United Kingdom and the United States in which they made deliberate misrepresentation and told falsehoods marked by brazen contempt for facts regarding the postponement of the Legislation Council General Election (LCGE) due to the severe epidemic, the Returning Officers' decisions on the validity of the nominations for the Legislative Council (LegCo) election made in accordance with the law, and the enactment of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (National Security Law). Above all, these official comments were blatant interference in Hong Kong matters which are internal affairs of the People's Republic of China.

Postponement of LCGE due to severe epidemic

The health and wellbeing of the people is the overriding concern of any responsible government. The HKSAR Government has repeatedly stressed that the postponement of the LCGE in 2020 is entirely based on public health grounds amidst a new wave of the COVID-19 epidemic which has seen an alarming surge in confirmed cases and deaths.

In order to combat the spread of the virus, the Government has put in place the most stringent social distancing measures ever adopted since January. With these measures in place, no meaningful electioneering activities could be conducted. The strict boundary control measures make it virtually impossible for voters from the Mainland and overseas to return to cast their vote. In addition, legal, practical and time constraints mean it is not feasible to introduce measures such as extra polling days, postal voting or e-voting.

The decision to postpone the election is therefore to protect public health and to protect the voting rights of all registered voters.

As the current wave of infections would likely last for at least several weeks or longer and there may also be a winter surge later in the year, postponing the election for a year is therefore not "disproportionate" as claimed by the five foreign ministers.

In fact, many countries also postponed their elections due to the severe epidemic. Among them, the United Kingdom has postponed the local council and the metro-mayoral elections for a year from May 7, 2020 to May 6, 2021 by the emergency legislation on March 25 (42 days away from the elections); New

South Wales of Australia also decided in March to postpone the Local Government elections to be held in September 2020 for a year (decision made six months away from the elections); moreover, New Brunswick of Canada decided in mid-March this year to postpone the municipal elections that were planned for May this year to not later than May 2021 (decision made two months prior to the elections); many states of the United States, including Maryland, Indiana, Georgia, and Louisiana had also postponed their presidential primary elections. In comparison, the HKSAR Government keeps monitoring the development of the epidemic and announced at no choice the postponement the LCGE in 2020 as close as possible to the election on July 31 (36 days before the election).

It is utterly regretful that the five foreign ministers in their joint statement have criticised the decision made by the HKSAR Government for safeguarding public health and wellbeing of the people, when ironically their own governments were making similar decisions to postpone scheduled elections on similar grounds. This is yet another case of these governments adopting double standards and displaying hypocrisy.

Returning Officers' decisions on the validity of nominations for the LegCo election in accordance with the law

The HKSAR Government completely agrees with and supports Returning Officers (ROs) to exercise their statutory duties in accordance with the law in deciding the validity of the nominations of candidates for the LegCo election. The ROs have clearly stated that, in determining the validity of nominations, they have thoroughly considered whether the nominee has complied with the requirement under section 40(1)(b)(i) of the Legislative Council Ordinance (Cap.542), i.e. to uphold the Basic Law and pledge allegiance to the HKSAR of the People's Republic of China (PRC), a fundamental constitutional duty of every LegCo Member.

The HKSAR Government reiterates that people advocating or promoting Hong Kong independence, self-determination or changing the system of the HKSAR by supporting Hong Kong independence as an option for self-determination; soliciting intervention by foreign governments or political authorities in relation to the HKSAR's affairs, etc. could not genuinely uphold the Basic Law and could not therefore perform the duties of a LegCo Member.

The HKSAR Government respects and safeguards the lawful rights of Hong Kong people, including the right to vote and the right to stand for elections. It also has a duty to implement and uphold the Basic Law and ensure that all elections will be conducted in accordance with the Basic Law and relevant electoral laws. The ROs' decisions completely comply with the legal provisions above, and have nothing to do with political censorship or restriction of the freedom of speech as alleged by some members of the community; or undermining the democratic process or eroding the rights and freedoms of the people as falsely claimed by the five foreign ministers.

Enactment of the National Security Law

Safeguarding national security through legislation is in line with international practice. Every country has an abundance of laws, and a duty to safeguard its national security and sovereignty. Australia, Canada, New Zealand, the United Kingdom and the United States have all enacted laws to safeguard national security and sovereignty, and formed relevant decision-making and enforcement bodies. The inappropriate comments by the five foreign ministers on the National Security Law smack of political manipulation and double standards. It is a gross interference in China's internal affairs and a grave violation of basic norms governing international relations. The HKSAR Government strongly opposes the comments.

The National Security Law also clearly stipulates that the HKSAR shall protect 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 in accordance with the law.

The HKSAR Government yet again solemnly reminded the international community that the HKSAR is an inalienable part of the PRC and a local administrative region which enjoys a high degree of autonomy and comes directly under the Central People's Government. Foreign governments should stop their scaremongering and interfering in any form in the internal affairs of the HKSAR. They should respect the importance attached to peace, stability and prosperity by the Hong Kong people under the principle of "One Country, Two Systems" and refrain from pretending to support the people of Hong Kong.