

# HKSAR Government strongly condemns and rejects the UK six-monthly report on Hong Kong

The Government of the Hong Kong Special Administrative Region (HKSAR) today (September 12) strongly disapproved of and must resolutely refute the untruthful remarks, slanders and smears against various aspects of the HKSAR in the so-called six-monthly report on Hong Kong: January to June 2024 of the United Kingdom (UK).

A spokesman for the HKSAR Government said, "The HKSAR Government strongly condemns and rejects the UK's attempt through a so-called six-monthly report to make misleading and irresponsible remarks about Hong Kong matters, wantonly put politics above the rule of law and attempt to interfere in Hong Kong's law-based governance by despicable political manoeuvres. The HKSAR is an inalienable part of the People's Republic of China, and as a local administrative region that enjoys a high degree of autonomy under the principle of 'one country, two systems', comes directly under the jurisdiction of the Central People's Government. The core essence of the Sino-British Joint Declaration is about China's resumption of the exercise of sovereignty over Hong Kong. It did not authorise the UK to interfere in Hong Kong's affairs after its return to the motherland. The UK has no sovereignty, jurisdiction or right of supervision over Hong Kong after its return to the motherland. The HKSAR Government strongly urges the UK again to discern facts from fallacies, respect the international law and basic norms governing international relations, and immediately stop interfering in Hong Kong matters, which are purely China's internal affairs."

## Laws safeguarding national security

The HKSAR Government spokesman said, "The HKSAR Government strongly opposes the absurd and false contents in the UK's so-called six-monthly report with regard to the laws safeguarding national security in the HKSAR. Since the implementation of the National Security Law in June 2020, the UK has continued to deliberately turn a blind eye to the large-scale and incessant riots which occurred in 2019 and devastated the society, livelihood and economy of Hong Kong. The UK has also deliberately neglected the fact that the implementation of the National Security Law has enabled the livelihood and economic activities of the Hong Kong community, and as well the business environment, to return to normalcy. In August this year, the UK Government took strong measures, and quickly characterised the protests and clashes occurred in various places as 'far-right thuggery'. Law enforcement authorities and prosecutorial agencies conducted large-scale arrests and prosecutions of those who participated in the riots offline and those who published inciting remarks online vigorously. The courts operated overnight to deal with the cases, remanded most defendants in custody and passed heavy sentences on those convicted. However, the UK Government glorified the

'black-clad violence' that occurred in Hong Kong as 'pro-democracy protests', vilified the HKSAR law enforcement, prosecutorial and judicial authorities' performance of their duties in accordance with the law as a 'violation of human rights', and continued to unscrupulously distort the facts to criticize, which just shows its bullying act and hypocrisy with double standards are utterly ugly and despicable.

"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. As a matter of fact, each and every country will enact laws to safeguard national security. Last year, the UK passed the National Security Act 2023, which has introduced various offences including modernised espionage offences and offence of foreign interference with extraterritorial effect, created a foreign activities and foreign influence registration scheme, and granted the law enforcement authorities a wide range of powers to take prevention and investigation measures. The UK has no right and no qualification to make scandalous accusations against the Basic Law Article 23 legislation and the measures taken by the Central Authorities and the HKSAR Government to safeguard national security when it just does the very same thing. Not only are those remarks by the UK totally distorting and confounding right and wrong, but they also entirely disregard the constitutional duty and practical needs of the HKSAR to legislate, and the positive effects brought by the enactment of the relevant national security legislation on economic development and protection of human rights."

"As a matter of fact, with the enactment and implementation of the National Security Law, the loopholes in the legal system and enforcement mechanisms for the HKSAR to safeguard national security were plugged, and transformed Hong Kong society from chaos to order, allowing people's livelihoods and economic activities to return to normalcy. Hong Kong ranked fifth in global competitiveness this year, and its foreign direct investment inflow was the fourth largest in the world last year. Hong Kong was also the world's 10th largest trading entity in merchandise trade. These objective facts are the best evidence that high-level security protection would underpin high-quality development. With the Safeguarding National Security Ordinance taking effect upon gazettal on March 23 this year, the legal system and enforcement mechanisms of the HKSAR for safeguarding national security have been further improved. The 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, 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."

"The National Security Law and the Safeguarding National Security Ordinance clearly define the elements of relevant offences, penalties, exceptions and defences. These laws actively prevent, suppress and punish acts and activities endangering national security, in accordance with the principle of the rule of law. They target an extremely small minority of people and organisations that pose a threat to national security, while

protecting the lives and property of the general public."

"As a matter of fact, during the public consultation of the Basic Law Article 23 legislation, 98.6 per cent of the submissions of opinions showed support and gave positive comments, reflecting a strong consensus in society for the legislation, and it is also the aspiration of the people. After the Safeguarding National Security Ordinance was passed by the Legislative Council unanimously, members of the public and various sectors of the community including the commercial sector and major chambers of commerce, the legal sector, real estate associations, the youth sector, other professional sectors and political parties welcomed and voiced support for the legislation."

"The HKSAR law enforcement agencies have been taking law enforcement actions based on evidence and strictly in accordance with the law in respect of illegal and improper acts of the persons or entities concerned, paying no regard to their political stance, background or occupation. 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 pass to break the law, and this totally runs contrary to the spirit of the rule of law."

"As regards the sedition offence, the courts of the HKSAR have ruled in different cases that the provisions relating to sedition are consistent with the relevant provisions of the Basic Law and the Hong Kong Bill of Rights on the protection of human rights. Clear lines have been drawn between unlawful seditious expressions and lawful constructive criticisms under the Crimes Ordinance and the Safeguarding National Security Ordinance. The relevant provisions are not vague. Treating speech and publications disseminated with seditious intentions as threats to national security and prohibiting them is rationally connected with the protection of national security and public order, and does not exceed what is reasonably necessary, striking a proportionate and reasonable balance between safeguarding national security and protection of the freedom of speech."

"The extraterritorial effect for the offences under the National Security Law and the Safeguarding National Security Ordinance fully aligns with the principles of international law, international practice and common practice adopted in various countries and regions. It is both necessary and legitimate, and is also in line with those of other countries and regions (including the United States, UK, Australia, Canada and Member States of the European Union ) around the world. The Police have the responsibility to pursue those who are suspected of committing offences endangering national security outside Hong Kong. The persons who have been put on the wanted list have fled overseas and are suspected of continuing to commit offences under the National Security Law. Their malicious acts to endanger national security have been seen through by all. As the law enforcement department of the HKSAR safeguarding national security, the Police are duty bound to put the persons concerned on the wanted list in accordance with the law and the action is fully justified. The UK Crown Prosecution Service has also recently announced that it would seek extradition of those people who incited disorder through

social media from abroad."

"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. It is extremely inappropriate for the UK to make unwarranted comments on criminal trials which are ongoing in the HKSAR courts. It is also a complete disregard to the spirit of the rule of law.

"As repeatedly stressed by the HKSAR Government, the laws safeguarding national security in the HKSAR are precisely for safeguarding national sovereignty, unity and territorial integrity; and ensuring the full and faithful implementation of the principle of 'one country, two systems' under which the people of Hong Kong administer Hong Kong with a high degree of autonomy. It will also better safeguard the fundamental rights and freedoms of the residents of the HKSAR and other people in the city, including those doing business in Hong Kong. The UK must immediately act reasonably and sensibly, and stop making continuous malicious attacks on the laws safeguarding national security in the HKSAR."

#### Improved electoral system and reform of District Councils

The HKSAR Government spokesman pointed out, "The improved electoral system of the HKSAR puts in place legal safeguards to ensure the full implementation of 'patriots administering Hong Kong'. Keeping political power in the hands of patriots is a political rule commonly adopted around the world. No one in any country or region in the world will ever allow political power to fall into the hands of forces or individuals who do not love, or even sell out or betray, their own country. In Hong Kong, 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 HKSAR Government strongly refutes the fallacious descriptions about the reform of District Councils (DCs) in the UK's so-called report. The chaos of the earlier term DCs is well known to everyone in Hong Kong and abhorred. Putting DCs back to the right track and reforming them is therefore necessary and imperative. Reforming DCs is an important part of improving district governance. Having a variety of methods for the formation of DCs enables persons who love the country, have an affection for Hong Kong and are dedicated to serving their districts can participate in the work of DCs through a variety of channels, thereby reflecting public opinion more comprehensively and accurately."

"The 2023 DC Ordinary Election held on December 10, 2023 was the first large-scale territory-wide election under the improved district governance structure and the reformed DCs. The election is of great significance in terms of returning the DCs to their rightful positioning under Article 97 of the Basic Law as advisory and service bodies that are not organs of political

power, and in terms of fully implementing the principle of 'patriots administering Hong Kong'. This was a high-quality election conducted in a fair, just, clean, safe and orderly manner, demonstrating fully an election culture of excellence and the superiority of the reformed DCs."

#### Safeguarding due administration of justice and rule of law

The HKSAR Government spokesman pointed out, "The HKSAR Government safeguards independent judicial power and fully supports the Judiciary in exercising its judicial power independently, safeguarding the due administration of justice and the rule of law. Articles 2, 19 and 85 of the Basic Law specifically provide that the HKSAR enjoys independent judicial power, including that of final adjudication, and the courts of the HKSAR shall exercise judicial power independently, free from any interference. 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. All judges and judicial officers are appointed by the Chief Executive on the recommendation of an independent commission composed of local judges, persons from the legal profession and eminent persons from other sectors. All judges and judicial officers so appointed will continue to abide by the Judicial Oath and administer justice in full accordance with the law, without fear or favour, self-interest or deceit. Establishing the mechanism for safeguarding national security in the HKSAR will not undermine the independent judicial power. Our judicial system continues to be protected by the Basic Law. When adjudicating cases concerning offence endangering national security, as in any other cases, judges remain independent and impartial in performing their judicial duties, free from any interference.

"The Department of Justice, by virtue of Article 63 of the Basic Law, controls criminal prosecutions, makes independent prosecutorial decisions in accordance with the law, free from any interference. Prosecutions would be instituted by the Department of Justice only if there is sufficient admissible evidence to support a reasonable prospect of conviction, and if it is in the public interest to do so."

â€‹"The Judiciary exercises judicial power independently in accordance with the law, and everyone charged with a criminal offence has the right to a fair hearing. 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. The prosecution has the burden to prove beyond reasonable doubt the commission of an offence before a defendant may be convicted by the court.

The HKSAR Government spokesman stressed, "The rule of law in Hong Kong is strong and robust, and withstands the test of time. Hong Kong's common law system has been built and maintained over the years by the joint efforts of the judiciary and legal profession, including judges at all levels of courts, and it will not be changed because of the departure of individual overseas non-permanent judges. When Lord Collins of Mapesbury quitted as non-permanent judges of the Court of Final Appeal of the HKSAR, he had stated that he continued to 'have the fullest confidence in the Court and the total

independence of its members'. The Right Honourable Madam Justice Beverley McLachlin also reiterated her "confidence in the members of the Court, their independence, and their determination to uphold the rule of law".

### Safeguarding rights and freedoms

The HKSAR Government spokesman said, "The HKSAR Government steadfastly safeguards the rights and freedoms enjoyed by Hong Kong people as protected under the law. Since Hong Kong's return to the motherland, human rights in the city have always been robustly guaranteed constitutionally by both the Constitution and the Basic Law. The National Security Law and the Safeguarding National Security Ordinance also clearly stipulate that human rights shall be respected and protected in safeguarding national security in the HKSAR, and that the rights and freedoms, including the freedoms of speech, of the press, of publication, of association, of assembly, of procession and of demonstration, that Hong Kong residents enjoy 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 applied to Hong Kong, shall be protected in accordance with the law. Nonetheless, just as the case with other places in the world, such rights and freedoms are not absolute. The ICCPR also expressly states that some of them may be subject to restrictions as prescribed by law that are necessary for protection of national security, public safety, public order or the rights and freedoms of others, etc."

"In fact, since the implementation of the National Security Law and the Safeguarding National Security Ordinance, the media landscape in Hong Kong has remained vibrant. Like all other places in the world, freedom of the press and speech are not absolute. The media, like everyone else, have an obligation to abide by all the laws. The media continue to enjoy the freedom to comment on and criticise government policies without any restriction, as long as this is not in violation of the law."

### Enhancing national education

The HKSAR Government spokesman pointed out, "Schools are places for students to learn and grow. It is the obligation of schools to provide a safe and orderly school environment and atmosphere, and to maintain a campus free from political interference or illegal activities, for safeguarding students' well-being. National education has been an important part of the curriculum for primary and secondary schools as well as kindergartens, for deepening our students' understanding of the country's development and national security, enhancing their sense of national identity and cultivating them into a quality new generation. Teachers are also important role models of their students, playing a vital role in passing on knowledge and nurturing students' character. The HKSAR Government has the responsibility to ensure the professional conduct of teachers. Implementation of national education, including national security education, is the legitimate duty of education authorities all over the world. Different places attach great importance to implementing national security education and developing their students' sense of national identity, including knowledge of their respective constitution, their own history, culture, geography, etc."

"Academic freedom is an important social value treasured in Hong Kong and the cornerstone of our higher education sector. Since the implementation of the National Security Law, academics or post-secondary education institutions in Hong Kong continue to conduct normal exchange activities between their foreign or external counterparts. Meanwhile, post-secondary institutions in Hong Kong have taken a series of measures to incorporate national security education into students' learning in fulfilment of their statutory duty. These institutions enjoy autonomy on curriculum design, and the HKSAR Government encourages the institutions to provide students with diversified learning opportunities on national security education."