

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

The Government of the Hong Kong Special Administrative Region (HKSAR) strongly disapproved of and rejected the untruthful remarks, slanders and smears against various aspects of the HKSAR in the so-called six-monthly report on Hong Kong: July to December 2023 of the United Kingdom (UK) on April 15.

A spokesman for the HKSAR Government said, "The HKSAR Government strongly condemns and rejects the wanton slander and political attacks in the UK's so-called six-monthly report where the 'one country, two systems' principle is successfully implemented. 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 UK once again made skewed remarks about Hong Kong by replacing the rule of law with political manipulation and confounding right and wrong, and blatantly interfering in Hong Kong affairs which are entirely China's internal affairs. The UK's attempt to undermine the stability and prosperity of Hong Kong is doomed to fail."

The spokesman reiterated, "The HKSAR Government steadfastly safeguards national sovereignty, security and development interests, and fully and faithfully lives up to the highest principle of 'one country, two systems'. It will resolutely, fully and faithfully implement the Hong Kong National Security Law (NSL), the Safeguarding National Security Ordinance and other relevant laws safeguarding national security in the HKSAR, to effectively prevent, suppress and impose punishment for acts and activities endangering national security in accordance with the law, whilst maintaining the common law system, adhering to the principle of the rule of law and upholding the rights and freedoms of Hong Kong people in accordance with the law, so as to ensure the steadfast and successful implementation of the principle of 'one country, two systems'. The HKSAR Government strongly demands the UK to immediately stop acting against the international law and basic norms of international relations and interfering in China's internal affairs and Hong Kong affairs."

## Improved Electoral System and Reform of District Councils

The HKSAR Government spokesman pointed out, "The remarks in the UK's so-called six-monthly report about the improved Hong Kong's electoral system and

the 2023 District Council (DC) Ordinary Election is utterly untrue. 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 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 DCs in the UK's so-called six-monthly 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."

#### 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 NSL in June 2020, the UK has turned a blind eye to the large-scale and incessant riots which occurred in 2019 and devastated the society, livelihood and economy of Hong Kong. Instead, it repeatedly exploits different incidents and occasions, as well as creating excuses, to maliciously slander the laws safeguarding national security in the HKSAR, and blatantly attack the HKSAR in safeguarding national security dutifully, faithfully and in accordance with the law. The UK has also deliberately neglected the fact that such laws have enabled the livelihood and economic activities of the Hong Kong community, and as well the business environment, to return to normalcy. Its bullying act and hypocrisy with double standards are utterly ugly and despicable.

"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. The 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, and that a proportionate and reasonable balance has been struck between safeguarding national security and protection of the freedom of speech. The offence is not meant to silence expression of any opinion that is only genuine criticisms against the Government based on objective facts.

"The NSL has extraterritorial effect. The Police have the responsibility to pursue those who are suspected of committing offences under the NSL 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 NSL. Their malicious acts to endanger national security have been seen through by all, and there is no doubt that they have clearly and seriously endangered national security. 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 extraterritorial effect for the laws safeguarding national security in the HKSAR fully aligns with the principles of international law, international practice and common practice adopted in various countries and regions, including the UK. It is both necessary and legitimate, and is also in line with those of other countries and regions around the world.

"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 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.

"Every state will enact laws on safeguarding national security. This is an inherent right of every sovereign state, and is also an international practice. 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 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.

"In addition, the HKSAR's legislation on Article 23 of the Basic Law has strong popular support. The Bills Committee, together with the subcommittee earlier set up by the House Committee to study matters relating to Basic Law Article 23 legislation, convened 25 meetings in total, and devoted nearly 50 hours to scrutinise every clause of the Bill in detail.

"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 malicious attacks on the laws safeguarding national security in the HKSAR."

#### 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 takes charge of criminal prosecutions, free from any interference by virtue of Article 63 of the Basic Law. All prosecutorial decisions are based on an objective analysis of all admissible evidence and applicable laws.

"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 right to choice of lawyers is protected by the Basic Law, and it is well-established by case law that such a choice means a right to choose lawyers who are available and entitled to practise in Hong Kong, and not overseas lawyers who are not qualified to practise. As a matter of fact, in the UK, there is simply no regime for ad hoc admission of overseas lawyers similar to that in Hong Kong, not to mention any regime which allows overseas lawyers who are not qualified to practise generally there to handle national security cases. The amendment to the Legal Practitioners Ordinance (Cap. 159) was introduced by the Government in 2023 with a view to addressing the potential national security risks associated with the participation in national security cases by overseas lawyers who are not qualified to practise generally in Hong Kong, and implementing the interpretation by the Standing Committee of the National People's Congress of Articles 14 and 47 of the NSL. The UK's slander which accused that the relevant ordinance restricted the right to choice of lawyers is not only hypocrisy, but also manifestly without a sound legal basis."

#### 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 NSL 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 NSL, the media landscape in Hong Kong has remained vibrant. As always, the media can exercise their freedom of the press in accordance with the law. 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. National education has been an important part of the curriculum for primary and secondary schools, for cultivating our students into a quality new generation. Teachers are also role models of their students. 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 NSL, 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."