

HKSAR Government strongly condemns untruthful remarks slandering press freedom in Hong Kong

After the District Court found three defendants guilty of "conspiracy to publish and/or reproduce seditious publication" yesterday (August 29), officials from the United States, the United Kingdom and the European Union, anti-China organisations, anti-China politicians, and some foreign media have made untruthful and purely political remarks smearing the freedom of the press in the Hong Kong Special Administrative Region (HKSAR), exposing their hypocrisy and double standards. The Hong Kong Special Administrative Region Government expressed strong disapproval, and admonished them not to make biased and fact-distorting statements.

A spokesperson of the HKSAR Government said, "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."

The spokesperson stressed, "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, 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.

"The reasons for verdict have also pointed out clearly that the ideology

of Stand News was localism which excluded China, and that it even became a tool to smear and vilify the Central Authorities and the HKSAR Government during the 'anti-extradition amendment bill incidents'. The court found that the relevant articles, without any objective basis, attacked the National Security Law and the Crimes Ordinance (Cap. 200) and relevant law enforcement and prosecutorial process; spread hatred and anti-government sentiment with disinformation; attacked the law enforcement by the Police and glorified the behaviour of rioters – in other words, they were not based on facts.

"The reasons for verdict have also quoted the Court of Appeal's judgment on the case of Tam Tak-chi, pointing out that sections 9(1) and (2) of the Crimes Ordinance, when properly read together with the fundamental right to free expression, make it plain that criticising the Government, the administration of justice including judgments of courts, or engaging in debates about or raising objections to Government policies or decisions, however strong, vigorous or critical they may be, does not constitute a seditious intention. This provides further clarity in differentiating between lawful and unlawful speeches.

"In its judgment on the application for leave to appeal by Tam Tak-chi, the Appeal Committee of the Court of Final Appeal has also pointed out that sufficiently precise lines have been drawn between unlawful seditious incitement and lawful constructive criticisms under the Crimes Ordinance, and the relevant provisions were not vague. Especially in light of the widespread social unrests in 2019, 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."

The spokesperson reiterated, "Members of the public, including journalists, commentators, and columnists, as always, enjoy and exercise freedoms of the press and of speech in accordance with the law, without fear of unwittingly violating the law, and should not to be misled by scaremongering claims from external forces.

"In the past, the US and some Western countries had also carried out law enforcement actions against the dissemination of disinformation, incitement of hatred, and glorification of violence in their own countries. Recent examples include a British journalist reportedly being arrested by the UK police for allegedly violating the UK Terrorism Act while working on coverage related to Palestine. The disparagement of the HKSAR District Court's verdict by the relevant countries only exposes their double standards.

"The HKSAR Government strongly demands the US and some Western countries, anti-China organisations, anti-China politicians, and foreign media immediately cease their malicious attacks and smear campaigns against Hong Kong's freedom of the press."