

HKSAR Government strongly disapproves and rejects report of US Congressional-Executive Commission on China

The Government of the Hong Kong Special Administrative Region (HKSAR) today (May 11) strongly disapproved and opposed the so-called "2023 Annual Report" issued by the United States (US) Congressional-Executive Commission on China (CECC), which made biased, slandering and smearing remarks against the situation in the HKSAR.

A HKSAR Government spokesperson said, "The HKSAR Government strongly disapproves and opposes the CECC's repeated tactics to interfere in the affairs of the HKSAR through the so-called annual report, and make slandering remarks against Hong Kong, where 'one country, two systems' is successfully implemented. The US is once again overriding the rule of law with politics and making unfounded and fact-twisting remarks. Such attempt to undermine the prosperity and stability of Hong Kong and interfere in Hong Kong's law-based governance is doomed to fail."

The spokesperson said, "The so-called 'sanctions' as mentioned in the US' so-called report is a smack of despicable political manipulation to intimidate the HKSAR officials safeguarding national security. These grossly interfere in China's internal affairs and Hong Kong affairs, and violate the international law and the basic norms governing international relations. US' CECC clamoured for so-called 'sanctions' against dutiful HKSAR officials, the HKSAR Government strongly condemns their political grandstanding rife with ill intentions, which have been seen through by all. The HKSAR despises such so-called 'sanctions' and is not intimidated by such a despicable behaviour. The HKSAR will resolutely continue to discharge the duty of safeguarding national security."

The spokesperson 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."

Regarding the slandering remarks in the US' so-called report and the relevant statement about the HKSAR, the Government solemnly rejects them in the ensuing paragraphs.

Safeguarding National Security

The HKSAR Government spokesperson said, "The HKSAR Government strongly opposes the absurd and untrue content regarding legislation safeguarding national security in the HKSAR contained in the US' so-called report. The US side has ignored the large-scale and incessant riots during the 'colour revolution' in Hong Kong that occurred in 2019 which devastated our society, livelihood and economy. It ignored the fact that it is an international practice and an inherent right and responsibility for sovereign state to enact laws safeguarding national security. The US has at least 21 pieces of laws safeguarding national security; and blatantly attacked the HKSAR in safeguarding national security dutifully, faithfully and in accordance with the law. Such positions fully exposed the US' double standards. The US must discern the fact that the NSL has enabled the livelihood and economic activities of the Hong Kong community at large to resume as normal.

"As regards the offenses related to seditious intention, 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.

"In terms of law enforcement, 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, and have nothing to do with their political stance, background or occupation. 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. It is both necessary and legitimate, and is also in line with those of other countries and regions around the world. It can be seen that the national security laws of various countries, including the US, the United Kingdom, Australia, Canada and the Member States of the European Union, also have extraterritorial effect under the 'personality principle' and the 'protective

principle'. The US has no basis and has no right at all to point its fingers in a vexatious and frivolous manner.

"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 relevant laws have set out clear definitions and criminal elements which will not affect regular exchanges between Hong Kong residents and people here for business with foreign countries. These normal interactions and business activities are protected by the Basic Law and the local laws of the HKSAR, and cannot be confused with acts and activities endangering national security."

As for the so-called US report which smears the Hong Kong SAR's custodial and rehabilitation work, it is groundless, misleading, irresponsible and absurd. The HKSAR Government solemnly points out that the Correctional Services Department (CSD) performs its duties in accordance with law and regulations, and is committed to ensuring the principles of secure, safe, humane, decent and healthy, and upholding the principles of equality in managing all persons in custody (PICs), regardless of their background. The CSD adheres to the principles of both "safe custody" and "rehabilitation" to provide PICs with a suitable and healthy custodial environment. CSD's rehabilitation programme aims to offer reflection and learning opportunities to PICs, and promote law-abiding and inclusive values among PICs so that they can lead a healthy life upon release. Participation of PICs in relevant rehabilitation programmes are voluntary.

"As regards the so-called Hong Kong Economic and Trade Office Certification Act as mentioned in the US' so-called report, the HKSAR Government despised the hypocrisy and barbaric act of US politicians driven only by their own political gains, fabricating groundless excuses, and attacking the Hong Kong Economic and Trade Offices' legitimate and rational economic and trade promotion activities. The HKSAR Government sternly urged the US to stop pushing forward the so-called Hong Kong Economic and Trade Office Certification Act and all its wrongful and bullying acts that damage the economic and trade relations between Hong Kong and the US."

Safeguarding Due Administration of Justice and Rule of Law

The HKSAR Government spokesman pointed out, "Hong Kong is a society underpinned by the rule of law and has always adhered to the principle that laws must be obeyed and lawbreakers held accountable is well recognised by international communities. Article 85 of the Basic Law clearly stipulates that the courts of the HKSAR shall exercise judicial power independently, free from any interference. 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. It is extremely inappropriate 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.

"The Department of Justice has all along, by virtue of Article 63 of the Basic Law, to take charge of criminal prosecutions. All prosecutorial decisions are based on an objective analysis of all admissible evidence and applicable laws. The Judiciary of the HKSAR 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 US, 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 last year 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."

Safeguarding Rights and Freedoms

The HKSAR Government spokesperson 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 clearly stipulates 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, as in other places of 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."

Reform of District Councils (DCs)

The HKSAR Government spokesperson pointed out, "The HKSAR Government strongly refutes the fallacious descriptions about the reform of DCs in the US' 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 people who love the country, have an affection for Hong Kong and are dedicated to serving their districts to participate in the work of DCs through a variety of channels, would reflect public opinions more comprehensively and accurately.

"The 2023 DC Ordinary Election 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."