

# HKSAR Government strongly disapproves of and firmly rejects the United States-China Economic and Security Review Commission report

The Hong Kong Special Administrative Region (HKSAR) Government today (November 20) strongly disapproves of and firmly rejects the groundless attacks, slanders and smears against various aspects of the HKSAR in the so-called "report" issued by the United States-China Economic and Security Review Commission (USCC) (Report).

The HKSAR Government spokesman said, "The HKSAR Government strongly disapproves of and firmly rejects USCC's wanton manoeuvre with politics prevailing over law-based administration and interference in the affairs of the HKSAR in the so-called report. The HKSAR is an inalienable part of the People's Republic of China, is a local administrative region that enjoys a high degree of autonomy under 'one country, two systems', and comes directly under the Central People's Government. The HKSAR will continue to prevent, suppress and punish in accordance with the law acts and activities endangering national security. At the same time, it will continue to safeguard the rights and freedoms enjoyed by Hong Kong people in accordance with the law. The HKSAR Government strongly urges again individual United States politicians 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 spokesman stressed, "All countries in the world are duty bound to safeguard their national security, and the HKSAR, as an inalienable part of the People's Republic of China, is no exception. The HKSAR Government will not fear any hegemonism and intimidation by external forces and firmly rejects their interference in the affairs of the HKSAR. Since the implementation of the Hong Kong National Security Law in June 2020, the US 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 US has also deliberately neglected the fact that the implementation of the Hong Kong 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. People living, and businesses operating, in Hong Kong have experienced the major transition from chaos to order herein."

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"As a matter of fact, with the enactment and implementation of the Hong Kong 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's rise in world competitiveness rankings to be among the world's top economies is the best testament to the fact that high-level security protection would underpin high-quality development. With the Safeguarding National Security Ordinance taking effect upon gazettal on 23 March this year, the legal system and enforcement mechanisms of the HKSAR for safeguarding national security have been further improved. The Hong Kong 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 Hong Kong 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. International commercial and investment activities can only thrive where a stable society and the rule of law are guaranteed. The Hong Kong National Security Law and the Safeguarding National Security Ordinance make the business environment in the HKSAR more stable and the rule of law further safeguarded. All these are conducive to the business environment in the HKSAR. Law-abiding persons, companies and organisations conducting normal business in the HKSAR will not unwittingly violate the law."

"The 'external interference' offence under the Ordinance does not prohibit establishing business relationships with foreign governments. The offence is specifically defined to prohibit the use of improper means to do an act with intent to bring about certain interference effects when collaborating with an external force. It is not possible for anyone to unwittingly violate the law because of normal business operations and external exchanges."

"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 of the person or organisation involved. 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 privilege to break the law, and this totally runs contrary to the spirit of the rule of law."

"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."

#### 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 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 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 emphasised that all cases (including the relevant case) are handled strictly on the basis of evidence and in accordance with the law. All defendants will receive fair trial strictly in accordance with laws applicable to Hong Kong (including the Hong Kong National Security Law and the Safeguarding National Security Ordinance) and as protected by the Basic Law and the Hong Kong Bill of Rights. Any attempt by any country, organisation, or individual to interfere with the judicial proceedings in the HKSAR by means of political power, in order to procure a defendant's evasion of the criminal justice process, is a blatant act undermining the rule of law of Hong Kong and should be condemned."

"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."

"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.

"In respect of HKSAR Government officials, judges and prosecutors who dutifully discharge their duties, any rowdy attempt by any country, organisation, or individual to interfere with the judicial proceedings in the HKSAR by means of political power, threatening to include them in a so-called list of 'sanctions', is a reprehensible act undermining the rule of law of the HKSAR. The HKSAR Government strongly condemns this. The purpose of these acts is obviously to intimidate the HKSAR government officials, judges and prosecutors, especially judges, in an attempt to influence their fair and just hearings and verdicts and obstruct the course of justice. Making any statement with the intent to interfere with or obstruct the course of justice, or engaging in conduct with the same intent, is very likely to constitute the offence of criminal contempt of court or the offence of perverting the course of justice. Officials in the HKSAR Government will not

be intimidated and will continue to resolutely discharge the responsibility of safeguarding national security."

#### Safeguarding rights and freedoms

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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 Hong Kong 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."

"Similarly, the European Convention on Human Rights provides that the exercise of the right to freedom of expression carries with duties and responsibilities. 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."

"In fact, since the implementation of the Hong Kong 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 our 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 Hong Kong 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."

#### Maintaining long-term prosperity and stability

The spokesman reiterated, "Under the 'one country, two systems' principle, Hong Kong has the distinctive advantage of enjoying strong support of the motherland and being closely connected to the world. With the unparalleled connectivity to the Mainland and the rest of the world, Hong Kong will continue to play its unique role as 'super-connector' and 'super value-adder'. Hong Kong will also continue to leverage its strengths to enhance its role as international financial, maritime and trade centres, among others, whilst proactively integrating into the overall development of our nation, including the Guangdong-Hong Kong-Macao Greater Bay Area development, the high-quality development of the Belt and Road Initiative, etc. The HKSAR Government will create strong impetus for growth at full steam and proactively compete for enterprises and talents to strengthen the city's competitiveness. In fact, Hong Kong regained the top position as the freest economy in the world by the study of Fraser Institute. On the other hand, the US enjoys significant economic benefits in Hong Kong and has realised a trade surplus of some US\$270 billion with Hong Kong over the past 10 years, the largest among US global trading partners. There are more than 1 200 US companies with their businesses in Hong Kong. All these demonstrate the close and long-standing economic ties between Hong Kong and the US, as well as the vast business interests of the US in Hong Kong. A stable and prosperous Hong Kong is certainly of mutual benefits to Hong Kong and the US."