

HKSAR Government strongly disapproves of and rejects annual report of European Commission

The Government of the Hong Kong Special Administrative Region (HKSAR) today (June 13) strongly disapproved of and rejected the unfounded and biased content targeting the HKSAR's safeguarding of national security, human rights, etc, in the so-called annual report on Hong Kong issued by the European Commission and the High Representative of the European Union (EU) for Foreign Affairs and Security Policy.

A spokesman for the HKSAR Government stressed, "The HKSAR is an inalienable part of the People's Republic of China. It 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 legal basis for implementing 'one country, two systems' comprises the Constitution and the Basic Law, which provide constitutional guarantee for fundamental rights and freedoms, including the right to equality before the law, and is buttressed by the rule of law and independent judicial power.

"The HKSAR steadfastly safeguards national sovereignty, security and development interests, and fully and faithfully lives up to this top priority of the 'one country, two systems' principle. The HKSAR Government will resolutely, fully and faithfully implement the Hong Kong National Security Law (NSL) and the Safeguarding National Security Ordinance so as to address, combat, deter and prevent in accordance with the law acts and activities endangering national security. At the same time, it will safeguard the rights and freedoms enjoyed by Hong Kong people in accordance with the law. Its overarching goal is to ensure the steadfast and successful implementation of 'one country, two systems'. The HKSAR Government strongly urges the EU 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."

Safeguarding National Security

The spokesman for the HKSAR Government said, "Since the implementation of the NSL in June 2020, the EU has ignored the large-scale and incessant riots that occurred in 2019 and devastated society, livelihood and economy of Hong Kong. Instead, it attacked the HKSAR in safeguarding national security dutifully, faithfully and in accordance with the law through the so-called annual report. The EU has also deliberately neglected the fact that the NSL has enabled the livelihood and economic activities of the Hong Kong community, and as well the business environment, to return to normalcy. The EU has demonstrated hypocrisy with double standards.

"In fact, the successful implementation of the laws relevant to

safeguarding national security in the HKSAR has brought about a safe and stable environment conducive to investment and business development. Early this year, a survey conducted by a major foreign chamber of commerce reflected that nearly 80 per cent of its members interviewed had confidence in the rule of law in Hong Kong, and nearly 70 per cent of them also indicated that the operation of their enterprises had not been affected by the relevant laws.

"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, which have nothing to do with their political stance, background or occupation. The prosecution has the burden to prove beyond reasonable doubt that the defendant had the actus reus and mens rea of an offence before the defendant may be convicted by the court. The laws and work relevant to safeguarding national security in the HKSAR will not affect normal business operations and worldwide exchanges of local institutions, organisations and individuals. Law-abiding persons (including personnel, organisations and enterprises from the EU and its member states) will not engage in acts and activities endangering our national security and will not unwittingly violate the law.

"The NSL, the Safeguarding National Security Ordinance and the offences related to seditious intention under the then Crimes Ordinance expressly protect expression of opinions or even criticisms against Government policies. What are prohibited are merely statements with seditious intention to incite hatred against or the overthrowing of the constitutional order of the country or the HKSAR, or the institutions thereunder. Such objective, constructive and lawful expressions of opinions are plainly distinguishable from the unlawful acts of dissemination of extremism and hate speech which no country and no place in the world would tolerate.

"Extraterritorial effect for the offences endangering national security under the NSL 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 member states of the EU, also have extraterritorial effect under the 'personality principle' and the 'protective principle'.

"As the law enforcement department of the HKSAR safeguarding national security, the Police are duty bound to pursue those who have allegedly committed offences under the NSL outside Hong Kong and the action is fully justified. After fleeing overseas, the people on the wanted list allegedly continued 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 repeatedly emphasised 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 also better safeguards the fundamental rights and freedoms of the residents of the HKSAR and other people, including those doing business, in the city. The EU must immediately act reasonably and sensibly, and stop smearing the laws safeguarding national security in the HKSAR."

Safeguarding Due Administration of Justice and Rule of Law

The HKSAR Government spokesman emphasised, "The rule of law in Hong Kong is strong and will not change. The Department of Justice of the HKSAR 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 judicial system of the HKSAR is protected by the Basic Law. According to Articles 2, 19 and 85 of the Basic Law, the HKSAR shall be vested with independent judicial power, including that of final adjudication; the courts shall exercise judicial power independently, free from any interference. 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 generally in Hong Kong. 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 relevant interpretation does not directly deal with any specific cases. Rather, it clarifies the meaning of the relevant legal provisions and the basis for application of the NSL. It does not in any way impair the independent judicial power and the power of final adjudication of the HKSAR courts as guaranteed by the Basic Law."

The spokesman added, "As the legal proceedings of Lai Chee-ying's case and the 'Project 35+' case on conspiracy to commit subversion are still ongoing, it is inappropriate for any person to comment on the details of the case. The HKSAR Government emphasised that all cases are handled strictly on the basis of evidence and in accordance with the law. All defendants receive fair trial strictly in accordance with laws applicable to Hong Kong (including the NSL) and as protected by the Basic Law and the Hong Kong Bill of Rights. Convicted defendants have the right to appeal both conviction and sentence under the 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 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 the 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 the 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."

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 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 chaos of the earlier term District Councils (DCs) is well known to everyone in Hong Kong and abhorred. To put DCs back on the right track, the reform was 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 to 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 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."

Maintaining Long-term Prosperity and Stability

The HKSAR Government spokesman stressed, "Since the return of Hong Kong to the motherland, the HKSAR Government has been fully, faithfully and resolutely implementing the principles of 'one country, two systems', 'Hong Kong people administering Hong Kong' and a high degree of autonomy in accordance with the Constitution and the Basic Law to ensure the long-term prosperity and stability of Hong Kong. Hong Kong has entered a new stage of advancing from stability to prosperity. Under 'one country, two systems', 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, the prospects of Hong Kong's development are promising.

"As the centre of economic gravity in the world is shifting eastward, the Mainland, along with other fast-growing economies in the region, will be a major engine of global economic growth and a source of ample economic opportunities. Hong Kong will continue to play its unique role as a 'super-connector' and 'super value-adder', with a view to reaping the enormous benefits of this trend and seizing the abundant development opportunities ahead. With the motherland's strong support, and the wide room for development brought about by national strategies including the National 14th Five-Year Plan, the Guangdong-Hong Kong-Macao Greater Bay Area development and the high-quality development of the Belt and Road Initiative, Hong Kong will be presented with unlimited business opportunities."

The spokesman reiterated, "Any attempt by foreign countries or external forces to undermine Hong Kong's prosperity and stability by slandering the city's situation will only expose their own weakness and faulty arguments and be doomed to fail. The HKSAR Government will continue to discharge its duty, in adherence to the principle of the rule of law, to steadfastly ensure the successful implementation of the principles of 'one country, two systems', 'Hong Kong people administering Hong Kong' and a high degree of autonomy. It will continue to create strong impetus for growth at full steam, forge a better integration of a capable government and an efficient market, and proactively compete for enterprises and talent to strengthen the city's competitiveness. It will take the city's economic development to new heights, better serving Hong Kong citizens and fostering the city's development."