

HKSARG responds to US report

In response to media enquiries, a spokesman for the Hong Kong Special Administrative Region (HKSAR) Government made the following response today (November 14) to a report issued by the United States-China Economic and Security Review Commission:

"Since the return to the Motherland, the HKSAR has been exercising 'Hong Kong people administering Hong Kong' and a high degree of autonomy in strict accordance with the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. The 'one country, two systems' principle has been fully and successfully implemented. The HKSAR Government will continue to implement the 'one country, two systems' principle resolutely in accordance with the Basic Law.

"Safeguarding human rights and freedoms is a constitutional duty of the HKSAR Government. Article 4 of the Basic Law stipulates that the HKSAR shall safeguard the rights and freedoms of the residents of the HKSAR and of other persons in the Region in accordance with law. Human rights and freedoms in Hong Kong are fully protected by the Hong Kong Bill of Rights Ordinance and other legislation, in addition to the Basic Law. The HKSAR Government attaches great importance to human rights and freedoms and is determined to safeguard them.

"At the same time, the HKSAR Government has a duty to implement and uphold the Basic Law and to ensure that all elections will be conducted in accordance with the Basic Law and relevant electoral laws. There is no political screening.

"The Basic Law clearly stipulates that the HKSAR is an inalienable part of the People's Republic of China (PRC). Any suggestion for 'Hong Kong's independence' is a blatant violation of the Basic Law and a direct affront to the national sovereignty, security and territorial integrity of the PRC. 'Hong Kong's independence' runs counter to the successful implementation of 'one country, two systems' and undermines the HKSAR's constitutional and legal foundations as enshrined in the Basic Law. Relevant international human rights convention and court cases have clearly pointed out that freedom of speech is not absolute.

"The HKSAR Government is committed to safeguarding the rule of law and judicial independence in Hong Kong. Article 63 of the Basic Law entrenches the constitutional principle of prosecutorial independence. The conduct of all criminal prosecutions of the Department of Justice (DoJ) is free from any interference. Decisions to prosecute or not, as the case may be, must be based on an objective and professional assessment of the available evidence and the law, and be in accordance with the published Prosecution Code. No political consideration is being taken into account at all. There is no question of 'political prosecutions' as alleged by the report.

"In respect of the Fugitive Offenders and Mutual Legal Assistance in

Criminal Matters Legislation (Amendment) Bill 2019 (the Bill), the Chief Executive announced on June 15 that the Bill was suspended and later made it clear that all the legislative work had come to a complete halt. The Chief Executive further announced on September 4 that the HKSAR Government would formally withdraw the Bill and the Secretary for Security withdrew the Bill at the Legislative Council meeting on October 23.

"In the past few months, there were a series of protests and public order events in Hong Kong. Some of them eventually became violent and illegal incidents, causing damage to district and community facilities as well as injury to members of the public. In response, the Police have been exercising restraint and have been carrying out enforcement actions in strict accordance with the law. The purpose of Police's enforcement actions is to protect the life and property of the general public, bring offenders to justice and restore public order as soon as possible.

"In addition, the Independent Police Complaints Council is conducting a fact-finding study on the handling of large-scale public order events since June, including corresponding actions by the Police, to ascertain the facts and will prepare a report. The content of the report will be made public.

"Also, the HKSAR Government has launched a diversified dialogue platform and will invite community leaders, experts and academics to conduct an in-depth and independent examination of the social conflicts in Hong Kong and the deep-seated problems that must be addressed.

"Concerning constitutional development, universal suffrage of 'one person, one vote' for selecting the Chief Executive and electing all members of the Legislative Council is enshrined as an ultimate aim in the Basic Law. To achieve this aim, the community needs to engage in dialogues, premised on the legal basis and under a peaceful atmosphere with mutual trust, with a view to narrowing differences and attaining a consensus agreeable to all sides. The HKSAR Government will assess the situation carefully and take forward constitutional development in accordance with the Basic Law and the relevant Interpretation and Decisions of the Standing Committee of the National People's Congress.

"Regarding strategic trade control, Hong Kong is a separate customs territory under the Basic Law. We have been implementing comprehensive control on import, export and re-export of strategic commodities in accordance with the laws of Hong Kong and international control lists, carrying out rigorous enforcement, and maintaining close co-operation with the United States (US) and other trading partners. Over the years, we have been closely collaborating with the US administration and achieved satisfactory results in preventing illegal diversion of strategic commodities. Our efforts in this regard are recognised by the relevant authorities. We regret deeply that despite our repeated explanation, the report has still erroneously cited a totally irrelevant case to cast doubt on Hong Kong's strategic trade control system."

The spokesman reiterated that foreign legislatures should not interfere in any form in the internal affairs of the HKSAR.