

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 (January 9) to parts of a report related to Hong Kong issued by the United States (US) Congressional-Executive Commission on China:

"The HKSAR Government expressed strong opposition to the enactment of the 'Hong Kong Human Rights and Democracy Act' in the US. The Act clearly intervenes in Hong Kong's internal affairs. It is unwarranted, sends an erroneous signal to violent protesters, and harms the relations and common interests between Hong Kong and the US. The HKSAR Government deeply regretted that the US has disregarded the genuine concerns raised repeatedly by Hong Kong on the Act and let the Act become US law.

"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.

"The Basic Law stipulates that permanent residents of the HKSAR shall have the right to vote and the right to stand for election in accordance with law. 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.

"As for 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. As a matter of fact, the HKSAR Government took forward constitutional development in accordance with law between 2013 and 2015, and put forward a practicable proposal for selecting the Chief Executive by universal suffrage. However, the proposal was vetoed by Members of the Legislative Council who claimed to strive for democracy.

"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 last year 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 last year that the HKSAR Government would formally withdraw the Bill when the Legislative Council resumed business and the Secretary for Security withdrew the Bill at the Legislative Council meeting on October 23 last year. It is incorrect for the report to say that the Bill would 'empower the Chief Executive to make decisions on fugitive arrangements on a case-by-case basis'. According to the now-withdrawn Bill, the Chief Executive could not bypass the Court to surrender a fugitive to any requesting party. The HKSAR Government regrets to see the inclusion of this inaccurate statement in the report.

"From June 2019 until now, there have been over 1 000 public demonstrations, processions and public meetings in Hong Kong. Unfortunately, many ended in violent and illegal confrontations, including reckless blockage of roadways, throwing of petrol bombs and bricks, arson, vandalism, setting ablaze individual stores and facilities of the Mass Transit Railway and Light Rail, and beating people holding different views, etc. All these have seriously endangered personal safety, public order and public safety. The Police have been carrying out enforcement actions in strict accordance with the law in order to protect life and property and restore order to society. The Police have in place prudent and stringent guidelines for the use of force. Police officers will only use appropriate force when it is necessary. Such force is used in response to the prevailing situation, and the place and the level of force used depend on the level of violence committed by rioters and the circumstances at the scene. If members of the public could express their views in a peaceful and rational manner, there would be no need for the Police to use any force.

"On the rule of law, 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 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 and there is no question of so-called 'political prosecutions'.

"In addition, the HKSAR Government has all along been combating Trafficking in Persons (TIP) and enhancing the protection and well-being of foreign domestic helpers (FDHs) in an all-out and highly proactive manner. The HKSAR Government established in March 2018 a high-level inter-bureau/departmental Steering Committee chaired by the Chief Secretary for Administration and promulgated the Action Plan to Tackle TIP and to Enhance Protection of FDHs in Hong Kong. The Action Plan comprises over 30 comprehensive, strategic and targeted measures on victim identification, investigation, enforcement, prosecution, victim protection and support, prevention and partnership-building with different stakeholders, etc. In addition, the HKSAR Government has allocated additional annual funding of over \$62 million starting from the 2019-20 financial year to support various departments to create close to 100 new permanent posts in the civil service dedicated to the fight against TIP, fully demonstrating our commitment and determination in fighting the crime. Despite our proactive and intensified efforts in TIP victim identification, the percentage of victims identified has remained at a low level of less than 0.3 per cent (with only 18 victims identified in 2018), reinforcing our observation all along that TIP is not prevalent in Hong Kong."

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