

LCQ13: Conclusions made by United Nations committee on situation in Hong Kong

Following is a question by the Hon Lai Tung-kwok and a written reply by the Secretary for Constitutional and Mainland Affairs, Mr Erick Tsang Kwok-wai, in the Legislative Council today (May 31):

Question:

The United Nations Committee on Economic, Social and Cultural Rights (the Committee) held its meetings in February this year to receive the Chinese delegation, which included the Hong Kong Special Administrative Region (HKSAR) Government delegation, and consider the fourth report submitted by HKSAR under the International Covenant on Economic, Social and Cultural Rights. According to the Government, the Committee issued its Concluding Observations in March, in which it made inaccurate, biased and misleading statements on various aspects of the situation in Hong Kong. In this connection, will the Government inform this Council:

(1) apart from the Permanent Secretary for Constitutional and Mainland Affairs being one of the Deputy Heads of the Chinese delegation, of the ranks of the other members of the HKSAR Government delegation, the policy bureaux/government departments to which they belong, and their specific work contents in the delegation;

(2) apart from taking note of the "shadow reports" submitted by non-governmental organisations before the Committee's meetings with regard to the aforesaid fourth report, and preparing lines-to-take beforehand, what other advance preparatory work the Government carried out for the aforesaid meetings to rebut any inaccurate allegations of the Committee;

(3) given that even though the Government had carried out the advance preparatory work mentioned in (2), the Committee still made inaccurate, biased and misleading statements on various aspects of the situation in Hong Kong, whether the Government has learnt from the experience of the aforesaid meetings, and reviewed how to make better preparations before the submission of the next report in 2028; if so, of the details; if not, the reasons for that; and

(4) as a number of members of the Panel on Constitutional Affairs of this Council pointed out at its meeting in April this year that it was insufficient for the Government to express dissatisfaction with and respond to the Committee's Concluding Observations only through press releases, and they considered that the Government should rebut the inaccurate allegations of the Committee by means of measures such as using videos, data and multi-media and holding regular press conferences, with the officials attending the

meeting undertaking to consider those suggestions, whether the Government will take those suggestions on board; if so, of the timetable for implementing relevant measures; if not, the reasons for that?

Reply:

President,

The United Nations Committee on Economic, Social and Cultural Rights (the Committee) considered the fourth report of the Hong Kong Special Administrative Region (HKSAR) under the International Covenant on Economic, Social and Cultural Rights (ICESCR) at the meetings held on February 15 and 16, 2023, in Geneva, Switzerland. As part of the Chinese delegation, the HKSAR Government delegation introduced to the Committee the part of China's report under the ICESCR which was related to the HKSAR, and answered the Committee's questions on the implementation of the ICESCR in the HKSAR.

The Government's reply to the Hon Lai Tung-kwok's question is as follows:

(1) The Permanent Secretary for Constitutional and Mainland Affairs (PSCMA) led a ten-member HKSAR Government delegation to attend the meetings of the Committee in Geneva, Switzerland. At the beginning of the meetings, PSCMA delivered opening remarks in the capacity of one of the Deputy Heads of the Chinese delegation. She highlighted that under the double safeguards of the implementation of the National Security Law and an improved electoral system, Hong Kong is back on the right track of "one country, two systems". People returned to their day-to-day life in peace and stability resumed. At the same time, she also illustrated to the Committee the determination of the HKSAR Government to improve people's livelihood through various means. During the two-day meetings, other members of the delegation, including the Under Secretary for Constitutional and Mainland Affairs, six directorate officers from the Education Bureau, the Labour and Welfare Bureau, the Security Bureau, the Department of Justice and the Labour Department actively answered Committee members' questions on their respective policy areas, as well as gave clear responses and robust rebuttals within the time limit. The two other staff members from the Constitutional and Mainland Affairs Bureau and the Immigration Department were responsible for internal and external co-ordination work and logistical support.

(2) At the meetings, the Committee mainly conducted the discussion under the framework of its List of Issues (LoIs) issued in April 2021. Apart from raising questions on various aspects of the HKSAR's fourth report under the ICESCR, the Committee may also ask follow-up questions based on the HKSAR Government's response to the LoIs, as well as request the delegation's response with reference to the 31 submissions from non-governmental organisations (NGOs) (i.e. shadow reports) received before the meetings.

The Government made preparation for the Committee's meetings on multifarious fronts. First, before the HKSAR Government delegation set off, we had drawn up over 100 relevant subject briefs and lines-to-take of

different policy areas which involved over 20 policy bureaux and departments. We had also reviewed the latest progress of the implementation of the ICESCR and the previous Concluding Observations since the submission of the report and responses to LoIs in end 2019 and early 2022 respectively, in order to get the necessary supplementary information, court cases, data, etc, ready to support our presentation with facts and figures at the meetings.

The Committee's consideration of China's report was mainly undertaken by a task force comprising several experts. The task force would normally hold closed-door sessions with NGOs that had made written submissions so as to understand the implementation of the ICSECR in China (including the HKSAR and Macao SAR). In order to ensure that our lines-to-take were comprehensive and targeted, the Government carefully examined the areas of concerns of each member, and reviewed the concerns and key points covered in the shadow reports. Forceful lines-to-take were prepared beforehand so that the delegation could deliver prompt and cogent responses at the meetings.

The delegation participated in the working meetings of the Chinese delegation in Geneva. We had in-depth exchanges with delegates from the Mainland and the Macao SAR which further enhanced our teamwork and enabled us to present our arguments, positions and information clearly to the Committee at the actual meetings.

(3) and (4) Despite that the delegation of the HKSAR Government held dialogues with the Committee in an open, respectful, co-operative and responsible manner during the two-day meeting, the Committee insisted on making inaccurate, biased and misleading comments on various aspects of the situation in Hong Kong in its Concluding Observations issued on March 6, 2023. In this regard, the Government strongly deplored and resolutely rejected the Committee's misleading Concluding Observations, and through a detailed press release immediately issued on the same day to respond robustly to a number of so-called issues of concern raised by the Committee in its Concluding Observations so as to set the record straight. The Committee's Concluding Observations, together with the Government's detailed clarifications and responses, have been uploaded to the CMAB website for public reference.

Generally speaking, the HKSAR Government delegation attends the meetings of various United Nations treaty bodies for consideration of the periodic reports as part of the Chinese delegation. Premised on aligning with the overall strategy of our country, the Government will seriously consider and implement the proposals to rebut the false claims made by members of the Panel on Constitutional Affairs at its meeting in April 2023.

For instance, the HKSAR Government sent a delegation to participate in the meeting of the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) in May 2023 and we have already conducted publicity work through multi-faceted and multi-media channels.

Prior to the meeting, two local newspapers/online media published interviews with the Secretary for Home and Youth Affairs and the Permanent

Secretary for Home and Youth Affairs (PSHYA) to share with the public about the development of women in Hong Kong. Members of the Women's Commission (WoC) also expressed their views through a video which was uploaded on the social media platforms of the Home and Youth Affairs Bureau and the WoC.

At the same time, the HKSAR Government took the initiative to refute the contents of the reports submitted by individual NGOs to the CEDAW which discredited the National Security Law and the Hong Kong Police in a press release before the meeting. On the day of the meeting, the PSHYA once again made well-founded and forceful clarifications and rebuttals in her opening speech. A video of her speech was uploaded to social media platforms and the full text of the speech was issued in another press release. The HKSAR Government issued a press release on the day after the meeting to summarise the CEDAW's concerns and the government's response and clarification.

As regards the United Nations Committee on Economic, Social and Cultural Rights' malicious comments on individual subjects such as the National Security Law, the Government has all along introduced the National Security Law to different people through different channels and means (including publishing pamphlets and compendium of articles, issuing press releases, placing newspaper advertisements, officials taking part in interviews on television, radio and other media, and organising/attending seminars (including webinars), etc), as well as through overseas Economic and Trade Offices (ETOs), and has responded to concerns raised. In the days ahead, the Government will also continue to strengthen publicity and education, so as to raise the national security and law-abiding awareness of Hong Kong residents, and to deepen the understanding of the international community on the National Security Law.

As for the submission of different reports to the committees of the United Nations in future, we will, subject to the relevant requirements and guidelines of the committees and the actual circumstances at the time, consider using different forms of presentation such as data and multimedia, etc, to elaborate on the human rights situation and social development of the HKSAR, and the real situation of the implementation of the National Security Law to the committees, NGOs, as well as local and international communities.

With the concerted efforts of various policy bureaux and departments, the Government will continue to tell the good stories of Hong Kong on all fronts. This includes promoting the advantages of Hong Kong through overseas visits by senior officials in meeting with dignitaries, the business community, the media and Chinese groups, and promoting Hong Kong's strengths and opportunities and clarifying misconceptions through different activities organised by the overseas ETOs, such as visits to local governments and organisations, media interviews and briefings, etc. We will also actively encourage different organisations to host major international events in Hong Kong (such as Art Basel and Hong Kong Sevens), bringing people from all over the world and all walks of life to witness our achievements. Against the false and groundless narratives from international organisations, the Government will continue to make firm clarifications and forceful rebuttals in a serious manner, so as to reflect the actual situation of Hong Kong to

the international community and safeguard the interests of our country and the HKSAR.