

LCQ16: The impacts on freedom of the press in Hong Kong and on “one country, two systems” of the Mainland Government expelling journalists of US media

Following is a question by the Hon Charles Mok, and a written reply by the Secretary for Constitutional and Mainland Affairs, Mr Erick Tsang Kwok-wai, in the Legislative Council today (April 29):

Question:

On March 18 this year, the Ministry of Foreign Affairs issued a statement, demanding that "journalists of US citizenship working with the New York Times, the Wall Street Journal and the Washington Post whose press credentials are due to expire before the end of 2020 notify the Department of Information of the Ministry of Foreign Affairs within four calendar days starting from today and hand back their press cards within ten calendar days. They will not be allowed to continue working as journalists in the People's Republic of China, including its Hong Kong and Macao Special Administrative Regions". The aforesaid measure imposed by a department of the Central People's Government involves the immigration policy of the Government of the Hong Kong Special Administrative Region (SAR) as well as the freedom of the press and freedom of speech enjoyed by Hong Kong residents under Article 27 of the Basic Law. Some comments have pointed out that the measure has undermined the freedom of the press and freedom of speech in SAR and damaged SAR's image as a free and open international city. In recent years, the SAR Government also rejected new or renewal applications for employment visa from foreign journalists. In this connection, will the Government inform this Council:

(1) of the respective numbers of foreign journalists who were (i) refused entry as visitors, (ii) denied entry as their new or renewal applications for employment visa had been rejected, and (iii) refused entry under other circumstances, by the Immigration Department in the past three years, and set out, by their names, the organisations for which they worked and the reasons for their being refused entry;

(2) given that under Article 27 of the Basic Law, Hong Kong residents shall enjoy rights such as freedom of speech and freedom of the press, whether it has assessed if the measure imposed by the Ministry of Foreign Affairs has contravened the provision of that Article; if it has assessed, of the outcome;

(3) of the measures in place to ensure that (i) the freedom of the press

enjoyed by Hong Kong residents will not be undermined by the aforesaid measure imposed by the Ministry of Foreign Affairs, and (ii) foreign journalists can continue to carry out their news covering work in Hong Kong without interference from the Chinese Government, so as to avoid Hong Kong's status as an international financial centre being affected because of the loss of freedom of the press and free flow of information; and

(4) as Article 22 of the Basic Law stipulates that no department of the Central People's Government may interfere in the affairs which SAR administers on its own in accordance with the Basic Law, and immigration control is the affair which the SAR Government administers on its own in accordance with Article 154 of the Basic Law, whether it has assessed if the measure imposed by the Ministry of Foreign Affairs has contravened the provisions of such Articles; if it has assessed, of the outcome?

Reply:

President,

Having consulted the Security Bureau, our reply to Hon Charles Mok's question is as follows:

(1) There were over tens of millions visitor arrivals in Hong Kong every year and the number of visitors refused entry only represented an extremely small proportion among them. This speaks itself our welcoming and facilitative policy for visitors coming to Hong Kong. In the past three years, there were on average about 60 million visitor arrivals in Hong Kong every year, while the annual number of visitor arrivals refused entry was 53 600 on average, which accounts for less than 0.1 per cent.

The numbers of visitors refused entry in the past three years by reason for refusal are tabulated as follows:

| Year | Reason for refusal | | | Total |
|------|----------------------------------|---|------------------------|---------------|
| | Doubtful purpose of visit (Note) | Improperly documented/ without a valid visa or an endorsement | Forged travel document | |
| 2017 | 43 613 | 5 338 | 82 | 49 033 |
| 2018 | 46 023 | 8 075 | 97 | 54 195 |
| 2019 | 50 168 | 7 297 | 118 | 57 583 |

Note: Examples of visitors refused entry on the ground of having a doubtful purpose of visit include suspected parallel traders, Mainland pregnant women who have not made a booking for delivery, persons suspected of coming to Hong Kong for illegal employment, persons suspected to overstay after coming to Hong Kong, etc.

Applicants who possess special skills, knowledge or experience of value to and not readily available in the Hong Kong Special Administrative Region (HKSAR) may apply to come to work in the HKSAR under the General Employment Policy (GEP) (which is not applicable to Chinese residents of the Mainland) or the Admission Scheme for Mainland Talents and Professionals (ASMTP) (which is applicable to Chinese residents of the Mainland). Both the GEP and the ASMTP are non-sector specific.

In processing each application, the Immigration Department (ImmD) will examine whether the applicant meets the specific eligibility criteria under the relevant admission scheme and normal immigration requirements, and take into account the individual circumstances of each application, so as to ensure that only applicants who meet the relevant immigration policies will be admitted into Hong Kong for employment. At the end of March 2020, there were about 98 650 non-local persons admitted under the above immigration scheme/policy to work in different sectors in Hong Kong.

In the past three years, the numbers of applications for visa/entry permit and extension of stay refused under the GEP and the ASMTP are tabulated as follows:

| Year | Immigration scheme/ policy | |
|------|----------------------------|-------|
| | GEP | ASMTP |
| 2017 | 1 123 | 373 |
| 2018 | 929 | 251 |
| 2019 | 1 159 | 365 |

The ImmD does not maintain the breakdown statistics on refused applications by industry/sector.

(2) and (3) The statement entitled "China Takes Countermeasures Against Restrictive Measures on Chinese Media Agencies in the United States (US)" issued by the Ministry of Foreign Affairs on March 18, 2020 indicated that the countermeasures were to reciprocate the US Government's unwarranted restrictions on the Chinese media agencies and personnel in the US. It stated that China's fundamental state policy of opening-up will not change. Foreign media organisations and journalists who cover stories in accordance with laws

and regulations are always welcome in China, and will get continued facilitation and assistance. The HKSAR Government is firmly committed to protecting and respecting the freedom of the press, which is a fundamental right guaranteed by the Basic Law. The media reports freely in Hong Kong and performs its role as a watchdog over public affairs. The HKSAR Government does not exercise any censorship in traditional media or over the internet. Some 80 foreign media organisations have offices in Hong Kong and run their business freely as usual here, as in the case of local media.

(4) The countermeasures announced by the Ministry of Foreign Affairs on March 18 were to reciprocate the US Government's unwarranted restrictions on the Chinese media agencies and personnel in the US. In taking these countermeasures against the US, the Central Government is exercising its diplomatic authority in accordance with the "one country, two systems" principle and the Basic Law. The HKSAR has been implementing "Hong Kong people administering Hong Kong" and a high degree of autonomy in strict accordance with the Basic Law, fully reflecting the implementation of the "one country, two systems" principle. Under Article 154(2) of the Basic Law, the HKSAR Government applies immigration controls on entry into, stay in and departure from Hong Kong by persons from foreign states and regions.