

Response by CS at UNHRC Universal Periodic Review meeting

The Chief Secretary for Administration, Mr Matthew Cheung Kin-chung, attended the meeting under the Universal Periodic Review mechanism of the United Nations Human Rights Council today (November 6, Geneva time) in Geneva, Switzerland. Following is the response made by Mr Cheung at the meeting:

Mr President,

Human rights in the Hong Kong Special Administrative Region (HKSAR) are fully protected by the Basic Law, Hong Kong Bill of Rights Ordinance and other laws. The rule of law, an independent judiciary and freedom of speech are amongst Hong Kong's core values.

Recent concerns over some aspects of our human rights situation are unwarranted, unfounded and unsubstantiated. They arise from misconception and a lack of understanding of our real situation. Let me explain.

Under "one country, two systems", Hong Kong enjoys a high degree of autonomy. Fundamental rights and freedoms are all guaranteed by the Basic Law.

We are firmly committed to protecting press freedom. We do not exercise any censorship. On a recent work visa extension case, we will not comment on any specific decision on our immigration control. All such decisions are made by our immigration authorities under the laws and prevailing policies, having regard to individual circumstances of each case. Any concerns that Hong Kong's freedom of speech and of the press is under threat are totally groundless. On the contrary, we maintain an environment conducive to the operation of a free and active press. Some 80 foreign media organisations operate in Hong Kong and rigorously perform their role as a watchdog.

As for the eligibility for running in the Legislative Council election, upholding the Basic Law and swearing allegiance to HKSAR is a basic legal duty of a legislator. One cannot do so if one promotes "Hong Kong independence" or "self-determination" or advocates independence as an option. These run counter to the constitutional and legal status of Hong Kong SAR. Article 1 of the Basic Law stipulates that Hong Kong SAR is an inalienable part of the People's Republic of China. It is our duty to safeguard our country's sovereignty, security and development interests.

On speculations of authorities of other jurisdictions taking law enforcement actions in Hong Kong, our Police have investigated and found no evidence in support of such claims.

On the decision to ban an organisation under the Societies Ordinance, as

an appeal has been lodged, we will not comment further. But let me stress that Hong Kong people do enjoy freedom of association and expression but, like any other jurisdictions, such freedom is not absolute. The International Covenant on Civil and Political Rights (ICCPR) provides that restrictions may be imposed by law if this is necessary to protect national security or public safety, public order, or the rights and freedoms of others. This is mirrored in the Hong Kong Bill of Rights.

On the misunderstanding that some protesters were targeted for exercising their civil rights, I must clarify that these protesters were convicted not because of their beliefs or their exercising civil rights, but because of their disorderly or violent conduct in breach of the law. They have crossed the line separating the lawful exercise of constitutional rights from unlawful activities subject to sanctions. I must say that the number of public meetings and processions in Hong Kong last year was ten times over 1997, and the overwhelming majority of these activities were orderly and peaceful. This demonstrates that freedom of peaceful assembly is fully respected.

On interpretation of the Basic Law, the Standing Committee of the National People's Congress (the Standing Committee) has the ultimate authority to do so under Article 158 of the Basic Law. This is part of our constitutional order. Our Court of Final Appeal agrees that the Standing Committee's interpretation is valid and binding on our courts.

As for Article 104 relating to oath-taking when assuming specified public offices, the Standing Committee's interpretation simply explains clearly the meaning of that Article without changing its content.

Since the establishment of the Hong Kong Special Administrative Region in 1997, Hong Kong has remained the world's freest economy, a vibrant international financial and business centre, a thriving logistics and tourism hub, as well as one of the safest cities in the world. We are committed to building a caring and fair Hong Kong, with the Government investing heavily in education, medical services, welfare, infrastructure, poverty alleviation and helping the ethnic minorities. These remarkable achievements are underpinned by our core values and unique institutional strengths which make Hong Kong tick.

Mr President, Hong Kong will continue to forge ahead as Asia's world city with openness, inclusiveness and diversity under the successful, innovative, and well-tryed "one country, two systems". Thank you.