

# Response to UK report on Hong Kong

In response to media enquiries, a spokesman for the Hong Kong Special Administrative Region (HKSAR) Government made the following response today (September 7) to the United Kingdom Foreign and Commonwealth Office's six-monthly report on Hong Kong (January to June 2018):

"Since the return to the motherland, the HKSAR has been exercising a high degree of autonomy and 'Hong Kong people administering Hong Kong' in strict accordance with the Basic Law. This demonstrates the full and successful implementation of the 'one country, two systems' principle, which has been widely recognised by the international community. Foreign governments should not interfere in any form in the internal affairs of the HKSAR."

On "Hong Kong's independence" and freedom of speech

"The Basic Law clearly stipulates that the HKSAR is an inalienable part of the People's Republic of China (PRC). '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.

"The HKSAR Government attaches great importance to freedom of speech, which is also protected by the Basic Law. However, both the relevant international human rights convention and court cases clearly point out that freedom of speech is not absolute."

On Legislative Council (LegCo) By-election

"Article 26 of the Basic Law stipulates that 'Permanent residents of the Hong Kong Special Administrative Region shall have the right to vote and the right to stand for election in accordance with law'. The HKSAR Government all along respects and safeguards the rights enjoyed by Hong Kong residents according to law, including the aforesaid rights to vote and to stand for election. 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. Upholding the Basic Law is a basic legal duty of a legislator. If a person advocates or promotes 'Hong Kong's independence', 'self-determination' or changing the HKSAR system by referendum which includes the choice of independence, he/she cannot possibly uphold the Basic Law or fulfil his/her duties as a legislator, and cannot possibly comply with the requirement of the Legislative Council Ordinance that requires a candidate to make a declaration to uphold the Basic Law and pledge allegiance to the HKSAR. Decisions made by Returning Officers (ROs) in the 2018 LegCo By-election are aimed to ensure that the by-election is held in strict accordance with the Basic Law and other applicable laws in an open, honest and fair manner."

## On an election petition lodged against the results of the 2016 LegCo General Election

"In accordance with section 40(1)(b)(i) of the Legislative Council Ordinance, a person is not validly nominated as a candidate for an election for a constituency unless the nomination form includes or is accompanied by a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR. The HKSAR Government welcomes the Court of First Instance's decision concerning an election petition in February this year which, amongst others, confirms that the ROs, in accordance with the Legislative Council Ordinance, have the power to determine whether the declaration made by a person seeking candidature in the nomination form that he/she will uphold the Basic Law and pledge allegiance to the HKSAR is genuine, in order to decide whether the relevant nomination is valid. Advocating 'Hong Kong's independence' is inconsistent with the constitutional and legal status of the HKSAR as stipulated in the Basic Law, as well as the established basic policies of the PRC regarding Hong Kong. The HKSAR Government supports ROs to continue to determine whether a candidate's nomination is valid in accordance with the law and all relevant information, so that elections will be conducted in compliance with the Basic Law and other applicable laws in an open, honest and fair manner."

## On National Anthem Law

"The Law of the People's Republic of China on the National Anthem (the National Anthem Law) was added to Annex III to the Basic Law in November 2017. In accordance with Article 18(2) of the Basic Law, the national laws listed in Annex III to the Basic Law shall be applied locally by way of promulgation or legislation by the HKSAR. The HKSAR will implement the National Anthem Law by local legislation. The HKSAR Government has commenced work on the local legislation to implement the National Anthem Law, and has been actively listening to views from the community in the process, including consulting the LegCo and attending special meetings to receive deputations on the proposed framework of the bill, etc. We will submit the bill to the LegCo for scrutiny once the drafting of the bill is completed."

## On Co-location arrangement of the Guangdong-Shenzhen-Hong Kong Express Rail Link

"Hong Kong is a society that upholds the rule of law. Legislation and policies must be consistent with the Constitution of the PRC, the basic policy of 'one country, two systems' as well as the Basic Law of the HKSAR. In the course of the discussions between the HKSAR and the Mainland on the clearance options of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL), both sides have always agreed that the co-location arrangement must be consistent with 'one country, two systems' and must not contravene the Basic Law.

"In any event, the implementation of co-location arrangement at the West Kowloon Station of the XRL is a facilitation measure for cross-boundary transport and a livelihood issue by nature, and its objective is to fully unleash the benefits of the XRL and maximise convenience to passengers. The

HKSAR Government hopes that different sectors of the community can understand the co-location arrangement in an objective, pragmatic and all-round manner."