

HKSAR Government strongly disapproves of and firmly rejects report by UK All-Party Parliamentary Group on Hong Kong

The Government of the Hong Kong Special Administrative Region (HKSAR) today (April 25) strongly disapproved of, and firmly rejected, the so-called report by the All-Party Parliamentary Group on Hong Kong of the United Kingdom (UK), which, under the guise of press freedom, made fact-twisting remarks and smeared the implementation of the Hong Kong National Security Law (NSL) and the safeguarding of the rule of law etc. in the HKSAR.

A spokesman for the HKSAR Government said, "The HKSAR Government firmly opposes the relevant UK politicians' repeated malicious slander against the NSL in attempts of interfering in Hong Kong's law-based governance and undermining the rule of law of Hong Kong. The HKSAR Government also strongly disapproves of their ignorance of the fact that the implementation of the NSL has enabled the livelihood and economic activities of the Hong Kong community at large to resume as normal and the business environment to be restored. With politics overriding the rule of law, the so-called report by these politicians is full of fallacious remarks. Such attempts to undermine the stability and prosperity of Hong Kong only expose their own weakness and faulty arguments, and are doomed to fail."

The spokesman said, "Hong Kong's judicial system has always been highly regarded by international communities. Any attempt by any country, organisation, or individual to interfere with the judicial proceedings in the HKSAR by means of political power, in order to procure a defendant's evasion of the criminal justice process, is a blatant act undermining the rule of law of Hong Kong. Making a statement with the intent to interfere with or obstruct the course of justice, or engaging in conduct with the same intent, is very likely to constitute the offence of criminal contempt of court or the offence of perverting the course of justice."

The spokesman stressed, "That Hong Kong is a society underpinned by the rule of law and has always adhered to the principle that laws must be obeyed and lawbreakers held accountable is well recognised by international communities. The Department of Justice (DoJ) of the HKSAR, by virtue of Article 63 of the Basic Law, controls criminal prosecutions, free from any interference. Independent prosecutorial decisions for each case are made in a rigorous and objective manner, strictly based on evidence and applicable laws and are in accordance with the Prosecution Code. Prosecutions

would be instituted by the DoJ only if there is sufficient admissible evidence to support a reasonable prospect of conviction, and if it is in the public interest to do so.

"As guaranteed by the Basic Law and the Hong Kong Bill of Rights, defendants charged with criminal offences will undergo fair trials by the Judiciary exercising judicial power independently. Article 85 of the Basic Law clearly stipulates that the courts of the HKSAR shall exercise judicial power independently, free from any interference.

"Also, Article 25 of the Basic Law provides that all Hong Kong residents shall be equal before the law. Cases will never be handled any differently owing to the profession, political beliefs or background of the persons involved. In all criminal trials, the prosecution has to prove beyond reasonable doubt before the defendant can be convicted, and the defendant has the right to appeal under the law."

The spokesman added, "Article 4 of the NSL clearly stipulates that human rights shall be respected and protected in safeguarding national security in the HKSAR, and that the rights and freedoms, including the freedoms of speech, of the press and of publication, which the residents of Hong Kong enjoy under the Basic Law and the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong, shall be protected in accordance with the law. Article 5 of the NSL affirms adherence to the principle of the rule of law in safeguarding national security, including the presumption of innocence, the prohibition of double jeopardy, and the right to defend oneself and other rights in judicial proceedings that a criminal suspect, defendant and other parties in judicial proceedings are entitled to under the law. The Hong Kong Court of Final Appeal has pointed out that these two articles are centrally important to the interpretation of the NSL generally.

"Indeed, since the implementation of the NSL, the media landscape in Hong Kong has been as vibrant as ever. As always, the media can exercise their right to monitor the HKSAR Government's work. Their freedom of commenting on and criticising government policies, which take place as a matter of routine, remains uninhibited as long as they are not in violation of the law."

The spokesman reiterated, "The HKSAR Government steadfastly safeguards national sovereignty, security and development interests, and upholds the authority of the NSL. In accordance with the law, it resolutely carries out its duties and obligations

to safeguard national security and, at the same time, protects the rights and freedoms that the residents of Hong Kong enjoy, ensuring the steadfast and successful implementation of 'one country, two systems'. The HKSAR Government strongly urges the relevant UK politicians to immediately stop acting against the international law and basic norms of international relations and interfering in Hong Kong matters, which are purely China's internal affairs."

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