

HKSAR Government strongly condemns and firmly rejects US Senate Committee on Foreign Relations' Hong Kong-related resolution and US Congressional-Executive Commission on China's remarks about Hong Kong

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The Government of the Hong Kong Special Administrative Region (HKSAR) today (May 4) strongly condemned and firmly rejected the fact-twisting remarks and smears in the so-called resolution related to Hong Kong of the United States (US) Senate Committee on Foreign Relations, and the US Congressional-Executive Commission on China's remarks about Hong Kong in respect of the implementation of the Hong Kong National Security Law (NSL) and situation of the rule of law and human rights in Hong Kong.

A spokesman for the HKSAR Government said, "The HKSAR Government strongly condemns and firmly rejects the US politicians' fabrication of the so-called resolution related to Hong Kong and release of fallacious remarks to smear the implementation of the NSL, interfere in law-based governance and undermine the rule of law in the HKSAR. Since the implementation of the NSL in June 2020, US politicians have been repeatedly exploiting different incidents and occasions, as well as creating excuses, to attack the HKSAR in its dutiful, faithful and lawful implementation of the NSL. They have also deliberately neglected 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. Their bullying acts with politics prevailing over the law, and their hypocrisy with double standards, have been fully exposed. The politically motivated attempts by US politicians to undermine, by despicable political manoeuvres, the HKSAR's due administration of justice and the city's prosperity and stability will only expose their own weaknesses and faulty arguments and be doomed to fail."

The spokesman said, "The HKSAR'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 the HKSAR. 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.

"All law enforcement actions taken by the HKSAR law enforcement agencies are based on evidence and strictly in accordance with the law in respect of the acts of the persons or entities concerned, and have nothing to do with their political stance, background or occupation. 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 preventing, suppressing, and imposing punishment for offences endangering 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."

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 US 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."

Ends/Thursday, May 4, 2023