

July 18, 2022

The Editor  
Bloomberg

Dear Editor,

Your opinion piece “Henan Shows Hong Kong How Far It Has Fallen” (July 16) makes a number of groundless assumptions and baseless assertions against the situation of Hong Kong, which require clarification based on facts.

First, human rights and freedoms are fully protected by law in Hong Kong. The Basic Law, the constitutional document of the Hong Kong Special Administrative Region (HKSAR), provides a constitutional guarantee for fundamental rights and freedoms. The HKSAR Government attaches the utmost importance and is firmly committed to upholding human rights and freedoms in Hong Kong.

It is the HKSAR’s constitutional responsibility to safeguard national security. It is evident that the Hong Kong National Security Law (NSL) has played a pivotal role over the past two years since its promulgation and implementation in restoring stability and order to Hong Kong and safeguarding a favourable environment for investment and conducting business.

Article 4 of the NSL clearly stipulates that the rights and freedoms, which include the freedoms of speech, of assembly, of procession and of demonstration, enjoyed by residents under the Basic Law and the provisions of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong shall be protected in accordance with the law.

However, such rights and freedoms are not absolute. In particular, it must be borne in mind that the ICCPR expressly permits restrictions to the freedom of expression if it is prescribed by law and necessary for the protection of national security, public order (ordre public), public health or morals, and the rights and freedoms of others.

Second, any law enforcement actions taken by Hong Kong law enforcement agencies are based on evidence, strictly according to the law, for the acts of the persons or entities concerned, and have nothing to do with their background. Prosecutions will only commence if there is sufficient admissible evidence to support a reasonable prospect of conviction and if it is in the public interest to do so.

Judicial independence in Hong Kong is constitutionally guaranteed by the Basic Law, which expressly provides that an independent judicial power, including that of final adjudication, is exercised by the Judiciary, free from any interference. Judges enjoy security of tenure and immunity from legal action in the performance of their judicial functions, and can only be removed for inability to discharge duties or for misbehaviour as set out in Article 89 of the Basic Law. These safeguards ensure that the judges in Hong Kong, who took the judicial oath upon their appointments, administer justice without fear or favour and without bias, based only on the law and evidence before them.

Third, the HKSAR Government has been closely monitoring COVID-19 development and taking timely, transparent, effective and precise prevention and control measures based on scientific evidence and professional judgement to curb the epidemic and reduce infections while minimising the impact of the epidemic and anti-epidemic measures on people's livelihood.

The proposed health code system is only intended for identifying persons that may bring risk of infection to places with higher transmission risks, covering infected COVID-19 patients and inbound travellers from the airport released early from hotel quarantine. It would be used for legitimate health reasons only and other members of the public would not be affected. Any allegation that the system would be used to restrict the movement of healthy people in their daily life is erroneous.

Yours sincerely,

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The Government of the Hong Kong Special Administrative Region