

Article 19: Freedom of opinion and expression

111. The legal protections are as explained in paragraphs 326 and 327 of Part II of the initial report.

Press freedom

112. Freedom of expression and freedom of the press are guaranteed by the Basic Law and the HKBORO. The Government supports the principle of editorial autonomy for journalistic work, and does not interfere with the internal operations of media organisations.

Prevention and protection against intimidation and harassment of legislators, media personnel and academics

113. At paragraph 13 of its previous Concluding Observations, the Committee expressed concerns on assaults and harassment of journalists and academics and recommended that effective steps be taken to investigate such attacks.

114. The Government is fully committed to protecting the safety of all members of the public, regardless of whether he or she is a person of particular categories or is an ordinary member of the public. On receiving a report of criminal intimidation or violence, the Police will conduct a thorough investigation into the case in order to bring the offender to justice. The Police attach great importance to these incidents and adopt a proactive approach in their investigations. Depending on the evidence available and subject to legal advice, the Police will arrest and lay charges against the persons concerned.

115. For the safety and well-being of victims of crime, should there be indications or suspicion that there is a threat of injury to a victim, his family and/or his properties, the Police will assess the threat and take appropriate actions commensurate with the threat level. These actions include, for example, enhancing patrol at the residence and/or work place of the victims, and providing safety advice to the victims. Pursuant to the Witness Protection Ordinance (Cap. 564), the Police have established a witness protection programme, under which protection and other

assistance are provided for witnesses whose personal safety or well-being may be at risk.

The offences of treason and sedition

116. The position remains as set out in paragraph 205 of the previous report.

Freedom of expression

Academic Freedom

117. In response to paragraph 13 of the previous Concluding Observations where the Committee expressed concerns on academic freedom, the Government wishes to reiterate that academic freedom is an important social value treasured by Hong Kong and protected by the Basic Law. It is also a cornerstone of our higher education sector. The Government is committed to upholding academic freedom and institutional autonomy.

118. Educational institutions enjoy academic freedom and institutional autonomy under the law. According to Article 137 of the Basic Law, educational institutions of all kinds may retain their autonomy and enjoy academic freedom. They may continue to recruit staff and use teaching materials from outside the HKSAR. Furthermore, Article 34 of the Basic Law states that Hong Kong residents shall have freedom to engage in academic research, literary and artistic creation, and other cultural activities.

119. The eight University Grants Committee (UGC)-funded universities are all independent and autonomous statutory bodies. They have their own governing ordinances and statutes which set out their objectives, functions and governance structure. The legislation provides the universities with the power and freedom to carry out their objectives and functions. The UGC, which acts as an intermediary between the Government and the universities, also safeguards academic freedom and institutional autonomy. In fact, the roles of the UGC, the Government and the universities in the higher education sector are clearly defined in the

UGC Notes on Procedure. In particular, the Notes set out five major areas of institutional autonomy, namely: selection of staff; selection of students; curricula and academic standards; acceptance of research programmes; and allocation of funds within the university.

120. As a matter of fact, academics in Hong Kong continue to enjoy freedom to conduct their academic work, including researching in and publishing on subjects of their choice. It is particularly worthy to note that, in line with international practice, a peer-reviewed mechanism has been adopted all along to assess research proposals submitted under the various competitive research funding schemes administered by the Research Grants Council under the aegis of UGC. The committees / panels involved in the assessment process are invariably chaired by distinguished non-local experts from foreign countries, which help ensure that assessment is based on academic quality and merits of the proposals.

Access to Government-held information

121. The latest position with respect to the Code on Access to Information and complaint cases handled by The Ombudsman is set out at **Annex 19A**.

122. In paragraph 13 of the previous Concluding Observations, the Committee recommended that effective steps should be taken to implement the right of access to information by public bodies. The LRC set up the Access to Information Sub-Committee in 2013 to study the subject of access to information. The Sub-Committee is studying Hong Kong's existing access to information regime and the laws and regimes of other jurisdictions, and will conduct a public consultation relating to proposals on reforming the access to information regime. After considering the views collected from the consultation exercise, the LRC will submit reform proposals to the Government. Options for reforming the access to information regime in Hong Kong will be considered in the light of LRC's findings and recommendations.

123. The updated position on regulation and licensing of the broadcast media, the Radio Television Hong Kong (RTHK), film classification system, appeals against the decision of the Film Censorship

Authority and the censors, regulation of obscene and indecent articles, as well as management of libraries and museums, please see **Annex 19B**.